



City of San Marcos

Regular Meeting Agenda - Final City Council

Tuesday, May 5, 2020

6:00 PM

Virtual Meeting

Due to COVID-19, this will be a virtual meeting. To view the meeting please go to www.sanmarcostx.gov/videos or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

II. Roll Call

III. 30 Minute Citizen Comment Period

Persons wishing to speak during the citizen comment period please submit your written comments to citizencomment@sanmarcostx.gov no later than 12:00pm on the day of the meeting. The first 10 comments will be read aloud during the citizen comment portion of the meeting. Comments shall have a time limit of three minutes each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be read.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.

CONSENT AGENDA

THE FOLLOWING ORDINANCES, RESOLUTIONS AND OTHER ITEMS MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COUNCIL MEMBER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

2. Consider approval, by motion, of the following meeting Minutes:
 - A. April 16, 2020 - Special Meeting Minutes
 - B. April 21, 2020 - Work Session Meeting Minutes
 - C. April 21, 2020 - Regular Meeting Minutes
3. Consider approval of Ordinance 2020-22, on the second of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour along the 500 block of Harvey Street between North Street and Blanco Street; authorizing the installation of signs and traffic control devices reflecting the new speed limit; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the new speed limit; and including procedural provisions.
4. Consider approval of Ordinance 2020-23, on the second of two readings, establishing a no parking / tow-away zone on the southside of a city easement located at 708 Peques Street

pursuant to Section 82.066 of the San Marcos City Code; authorizing the installation of signage reflecting the no parking / tow-away zone; directing that the Traffic Register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the no parking / tow-away zone; and including procedural provisions.

5. Consider approval of Ordinance 2020-24, on the second of two readings, amending the traffic register maintained pursuant to section 82.067 of the City Code by decreasing the speed limit in the 1300 through 1500 blocks of Belvin Street (between Bishop Street to Dixon Street) from 30 miles per hour to 25 miles per hour in both directions and authorizing the installation of speed cushions; and including procedural provisions.
6. Consider approval of Resolution 2020-92R, approving an Interlocal Agreement between the City of San Marcos and Texas State University for drainage, road, intersection and pedestrian improvements along Academy Street and West Sessom Drive; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
7. Consider approval of Resolution 2020-93R, granting an easement to Bluebonnet Electric Cooperative, Inc. for the installation of underground electric utility facilities in a city lot used for drainage in the Hill of Hays Subdivision; authorizing the City Manager, or his designee, to execute said easement on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2020-94R, approving a Change in Service to the agreement between the City and Knight Security Systems, LLC for the provision of professional high technology services, maintenance, and equipment related to security at the San Marcos Public Library in the estimated amount of \$130,023.82 through the Texas Comptroller of Public Account's Department of Information Resources Program ("DIR") (Contract DIR-TSO-3430); authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2020-95R, approving an agreement with SHI Government Solutions for the renewal of an antivirus software license and maintenance agreement for a three-year period through the BuyBoard Cooperative Purchasing Program in the amount of \$54,537.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2020-97R, delaying action on an ordinance authorizing the issuance of City of San Marcos, Texas Combination Tax and Limited Revenue Certificates of Obligation in an amount not to exceed \$50,500,000; and other matters related thereto.

NON-CONSENT AGENDA

11. Consider approval of Ordinance 2020-26, amending the City's 2019-2020 fiscal year budget to allocate \$50,000 from the Asset Forfeiture Fund to augment the city's Employee Assistance Program by providing wellness resources for employees of the San Marcos Police Department and the San Marcos Fire Department; providing for the adoption of this Ordinance on only one reading as an emergency measure; and declaring an effective date.

12. Consider approval of Ordinance 2020-27, on the first of two readings, amending Article 6, Divisions 1 and 2 of Chapter 2 of the San Marcos City Code to revise and update the City's public records management program; including procedural provisions; and declaring an effective date.
13. Consider approval of Ordinance 2020-28, on the first of two readings, amending Chapter 82, Traffic and Vehicles, of the San Marcos City Code, by adding a new Article 9 that prohibits the placement and use of Motor-Assisted Scooters owned by Commercial Scooter Companies on public property, streets and sidewalks; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.
14. Consider approval of Ordinance 2020-29, temporarily allowing alternative arrangements for the payment of food establishment permit fees under section 18.100 of the San Marcos City Code due to the COVID-19 pandemic; including procedural provisions; providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.
15. Consider approval of Ordinance 2020-30, amending Chapter 74 of the San Marcos City Code by adding an addendum to Article 6 that establishes procedures and criteria for the granting of a temporary, revocable, licenses for parklets as a means to reactivate downtown following the COVID-19 stay at home orders of 2020; providing a savings clause; including procedural provisions; providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.

EXECUTIVE SESSION

NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session.

16. Executive Session in accordance with the following Government Code Sections:
 - A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for public use
 - B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding acquisition of property in Downtown San Marcos for public use

DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION

17. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:
 - A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for public use
 - B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding acquisition of property in Downtown San Marcos for public use

IV. Adjournment.

POSTED ON WEDNESDAY, APRIL 29, 2020 @ 4:00PM

TAMMY K. COOK, INTERIM CITY CLERK

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 855-461-6674 or sent by e-mail to ADArequest@sanmarcostx.gov



Legislation Text

File #: ID#20-231, **Version:** 1

AGENDA CAPTION:

Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.

Meeting date: May 5, 2020

Department: City Manager's Office

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☒ Core Services
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.

Status Report

Item 1

Receive status reports and updates on response to COVID-19 pandemic; hold Council discussion, and provide direction to Staff.

Known Cases – as of today

- **1,005,047 U.S. cases with at least 57,505 deaths in 55 states or territories including D.C. (Nearly 24,000 new cases since yesterday)**
- **27,054 cases in 207 Texas counties with 732 deaths**
- **165 in Hays County with 1 death (18 active in San Marcos, 93 recovered)**
 - 1,603 tests returned negative
 - 33 recovered (71 active)
 - 15 cases have required hospitalization, 5 current

SAN MARCOS Updates to Governor Abbott's Actions

- **April 30: Texas Workforce Commission guidance to unemployment claimants**
 - Can continue receiving unemployment benefits throughout the COVID-19 response if they choose not to return to work for certain reasons:
 - they or a family member is high risk (over 65)
 - they or a family member has been diagnosed with COVID-19 and not yet recovered
 - they are quarantined due to close contact exposure to COVID-19
 - child's school or daycare is closed and no alternatives are available
- **May 1: GA 18 in Effect – Local impacts**
 - Complaints about restaurants not in compliance
 - Confusion about parks being closed
 - Large social gatherings at apartments
 - Questions about enforceability

Updates to Governor Abbott's Actions

- **May 5: Announced new developments to reopen businesses**
 - Friday, May 8 - Barber shops and hair, nail and other types of salons will be able to reopen
 - Services will be by one-on-one appointment only
 - Customers will be able to wait inside a space if six feet of distance is able to be maintained
 - Face masks will be strongly encouraged
 - Monday, May 18 - Gyms will be able to reopen
 - Operate at 25% capacity
 - Workout areas must adhere to sanitizing and social distancing measures
 - Customers should wear gloves when using equipment
 - Showers and locker rooms must remain closed
 - Monday, May 18 - Non-essential manufacturers can reopen at 25% capacity
 - Must use staggered staffing to ensure people aren't moving through doorways at the same time
 - Currently no date for the reopening of bars
 - Weddings treated same as religious services, receptions must follow guidelines for restaurants

Efforts to date (updated)

- **Recovery Task Force 2nd Meeting**
 - Continued discussion to determine how best to accomplish Governor's re-opening initiatives
- **City staff continue to work with businesses wishing to re-open**
- **Messaging from City Manager to all City staff Monday, May 4**
- **Processed Late Fee Exemptions for 117 commercial utility accounts, 80 residential utility accounts since implementation on March 26**
 - Set up payment arrangements totaling over \$192,000 for 714 utility customer accounts over that same time period
- **Transitioned to Council review of COVID-19 dashboard**

Upcoming considerations

- Evaluate duration of parks closures
- Requirements for safety practices at re-opened businesses
- Phased approach of re-opening City services and facilities

- <http://www.sanmarcostx.gov/covid19info>
- <http://haysinformed.com/health-update/>
- <https://hayscountytexas.com/covid-19-information-for-hays-county-residents/>
- <https://www.txstate.edu/coronavirus>
- <https://www.smcisd.net/>
- <https://www.dshs.texas.gov/coronavirus/>
- <https://sanmarcostexas.com/>

Community Development Block Grant Funding Options Related to COVID-19

Michael Ostrowski, Assistant Director
of Planning and Development Services

CDBG-CV Information

- HUD has awarded the City \$425,261 in CDBG-CV funds (reimbursable funds).
- Special funding allocation to prevent, prepare for, and respond to Coronavirus (infectious disease).
- Eligible projects and programs must satisfy a national CDBG program objective, and should address one or more of the priority needs identified within the Consolidated Plan.
- Eligible applicants may include for-profit entities (programs geared primarily to serve low- to moderate-income persons/families), non-profit organizations, government agencies, and City departments; the City is not accepting applications from individuals who need personal housing or other financial assistance.

CDBG-CV Information

- Process specific changes:
 - No 15% cap on Public Services for this or any other funds used for Coronavirus response.
 - Substantial Amendment will be required for use of CDBG-CV funds.
 - HUD reduced standard 30-day public comment period to 5 days.
 - If necessary, PY2019 and PY2020 CDBG-Entitlement funding may be re-allocated for eligible COVID-19 activities.
- Limited guidance has been provided at this time, but HUD has instructed communities to start the amendment process for needed plans.

CDBG-Entitlement Information

- City was awarded \$722,904 in CDBG-Entitlement funds for PY2020-2021 (reimbursable funds).
- Eligible projects and programs must satisfy a national CDBG program objective and should address one or more of the priority needs identified within the Consolidated Plan.
- 70% of the funds must benefit low-moderate income people.
- No more than 15% can be used for Public Services, unless funds are used for Coronavirus response.
- No more than 20% can be used for Administration.

Examples of Projects / Programs

- Food Assistance Program – Financial assistance to food banks, meal delivery programs, and other food assistance programs that are serving LMI clients in need of these service because of the Coronavirus.
- Emergency Rental and Mortgage Assistance Program – Financial assistance, paid directly to the landlord or bank, for LMI families who have been financially impacted by the Coronavirus.
- Homeless Prevention Program – Resource and financial assistance (for qualifying expenses) to LMI families who are at risk of or have recently become homeless due to the Coronavirus.
- Microenterprise Loan/Grant Program – Small loans or grants for businesses owned by a low- or moderate-income person. The business must be able to prove financial hardship due to the Coronavirus.

Examples of Projects / Programs

- Small Business Job Creation or Retention Program – Financial assistance to small businesses that employ LMI persons. The business must be able to prove they are hiring employees in response to Coronavirus OR they are at risk of losing employees because of the Coronavirus.
- Construct a facility for testing, diagnosis, or treatment.
- Develop non-project specific emergency infectious disease response plans (City).

Where are we now?

- In last year of 2015-2019 Consolidated Plan.
 - 2019-2020 Action Plan – In progress
- In the process of creating the 2020-2024 Consolidated.
 - 2020-2021 Action Plan – In the process of creating
- In the process of incorporating the CDGB-CV funds into the related consolidated and action plans.

Process / Timeline for Coronavirus Response

(subject to change)

- **May 1-20, 2020:**
 - City to accept applications for CDBG-CV programs and projects
- **May 19, 2020:**
 - Public hearing on amendments to 2015-2019 Consolidated Plan to add CDBG-CV funding and to add Economic Development as a Priority Need
 - Public hearing and consider approval of the 2020-2024 Consolidated Plan
- **May 24-30:**
 - Public comment period on amending 2015-2019 Consolidated Plan
- **June 2, 2020:**
 - Consider approval of 2015-2019 Consolidated Plan to add CDBG-CV funding and to add Economic Development as a Priority Need
 - Public hearing on amendment to 2019-2020 Action Plan to add the CDBG-CV allocation programs and projects

Process / Timeline for Coronavirus Response

(subject to change)

- **June 7-13, 2020:**
 - Public comment period on proposed CDBG-CV programs and projects
- **June 16, 2020:**
 - Consider approval of 2019-2020 Action Plan amendment to establish CDBG-CV programs and projects
 - Public hearing on proposed 2020-2021 Action Plan programs and projects
- **July 5 - August 4, 2020:**
 - Public comment period on 2020-2021 Action Plan
- **August 4, 2020:**
 - Consider approval of 2020-2021 Action Plan (can include programs and projects relating to Coronavirus response)

Applications for Funds

- Location: <https://sanmarcostx.gov/3065/CDBG-Action-Plans>
- Application Window: May 1, 2020 – May 20, 2020 (5:00 PM)
- Questions or Suggestions on Uses:
 - Michael Ostrowski, Assistant Director of Planning & Development Services
 - 512-805-2613
 - mostrowski@sanmarcostx.gov
 - Carol Griffith, Community Initiatives Administrator
 - 512-393-8147
 - cgriffith@sanmarcostx.gov



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: ID#20-232, **Version:** 1

AGENDA CAPTION:

Consider approval, by motion, of the following meeting Minutes:

- A. April 16, 2020 - Special Meeting Minutes
- B. April 21, 2020 - Work Session Meeting Minutes
- C. April 21, 2020 - Regular Meeting Minutes

Meeting date: 5/5/2020

Department: City Clerk

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: Approval of Previous Meeting Minutes

City Council Goal: [Please select goal from dropdown menu below]

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from below]

- ☐ Economic Development Choose an item.
- ☐ Environment & Resource Protection Choose an item.
- ☐ Land Use Choose an item.
- ☐ Neighborhoods & Housing Choose an item.
- ☐ Parks, Public Spaces & Facilities Choose an item.
- ☐ Transportation Choose an item.
- ☒ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

The following minutes are attached for review:

- A. April 16, 2020 - Special Meeting Minutes
- B. April 21, 2020 - Work Session Meeting Minutes
- C. April 21, 2020 - Regular Meeting Minutes

Council Committee, Board/Commission Action: [Click or tap here to enter text.](#)

Alternatives:

Recommendation: Approve Minutes as attached



City of San Marcos

Meeting Minutes City Council

Thursday, April 16, 2020

4:00 PM

Virtual Meeting

This meeting was held using conferencing software due to the COVID-19 rules.

I. Call To Order

With a quorum present, the special meeting of the San Marcos City Council was called to order by Mayor Hughson at 4:01 p.m. Thursday, April 16, 2020.

II. Roll Call

Present: 6 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

Absent: 1 - Council Member Joca Marquez

1. Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.

Bert Lumbreras, City Manager, provided a brief introduction and turned the presentation over to Chase Stapp, Director of Public Safety. Mr. Stapp provided status reports and updates on response to the COVID-19 pandemic.

The following actions were updated by Governor Abbott:

- **April 2 - Increase EMS, First Responder workforce**
 - Permitted individuals who are qualified, though not formally certified, to provide critical emergency response services for patients for licensed EMS providers
- **April 5 - Expand Health Care workforce**
 - Allowed emergency licenses to Physician Assistants, Medical Physicists, Perfusionists, and Respiratory Care candidates for licensure who have completed all other requirements
- **April 7 - Temporary closure of State parks and historic sites**
 - Directed Texas Parks and Wildlife Department and the Texas Historical Commission to close all state parks and historic sites.
- **April 12 - Extends Disaster Declaration for COVID-19**
 - Extended original Disaster Declaration issued on March 13 for all Texas counties in response to COVID-19

The City has made the following efforts to date:

- Installed portable restrooms and hand washing stations
- Facilities temporarily installed at two locations adjacent to Southside Community Center and the Dog Park
- Held regularly scheduled City Council (4/7) and Planning and Zoning Commission (4/14) meetings in virtual environment
- Processed Late Fee Exemptions for 76 commercial utility accounts, 54 residential utility accounts since implementation on March 26
- Set up payment arrangements totaling over \$136,000 for 537 utility customer accounts over that same time period
- Closed all parks Easter weekend
- Provide daily Council email updates and message board additions
- Installing signs at gas pumps
- 228 signs installed at pumps at 28 different locations; 100 more on order to install at 9 additional locations
- Acquiring personal protective equipment (PPE) for City staff
- Includes face masks, disinfectant
- Paid for from new COVID-19 line item from existing budget funds
- General Fund, Water/Wastewater and the Electric Utility Funds proposed to contribute \$50,000 from Special Services accounts
- Budget amendment will be brought for Council consideration on April 21
- Continue to emphasize social distancing measures
- Senior Wellness check program through the Parks and Recreation team, staff has made over 1,900 phone calls to residents, made contact with 800 residents and had 250 people mentioned that they enjoyed the calls and would like a follow-up call
- Program through Blanco River Recovery Team (BR3T) to stock a pile of masks for distributing for public use, will hear more about this program from BR3T

Additional City Actions:

- Applying for COVID-19 grant funding
- All Together ATX Central Texas COVID-19 Rapid Response Grant - application submitted
- \$24,900 funding request to the Austin Community Foundation and United Way for Greater Austin
- Provide utility assistance to customers
- Coronavirus Emergency Supplemental Funding (CESF), Department of Justice, Bureau of Justice Assistance - in development
- Allocation of \$51,345 to prevent, prepare for, and respond to the coronavirus
- SMPD is identifying needs including PPE and cleaning supplies
- The Grills Fund for Main Street Revitalization - under consideration

- **Five \$10,000 awards to Accredited Main Street America Programs nationwide to help fund innovative revitalization efforts to address the impacts of COVID-19**
- **\$6.4 million grant awarded to offset transit costs**
- **\$157,000 grant awarded to the San Marcos Regional Airport for operating expenses**
- **\$425,000 allocated CDBG money under the CARES Act**
- **Apply for \$100 million emergency management performance grant supplemental program from FEMA to offset expenses due to COVID-19 response**

Upcoming considerations:

April 21 City Council Meeting

- Financial update during work session

- **Economic outlook**
- **Financial policy review**
- **Cost reduction measures**
- **Capital improvement projects and debt issuance**

- Budget amendment to allocate \$50,000 from the Special Services budgets in each of the three major funds: General, Electric, Water/Wastewater to be used for COVID-19 Response

Disaster Recovery Process

Identify recovery manager from a COSM staff, Emergency Management office to begin forming the outline and form a recovery task force within various city departments and members from the community to identify the needs. Items we look at during recovery, pandemic is hard to visualize, working on economic recovery for families and businesses, help our government operations resume normal operations. To assist restaurants and schools to get pre-staging inspections, when they have green light to operate they will be ready.

Ms. Derrick asked about the appointment of an Emergency Director and if this person is on Staff already and if there are any budget implications. Mr. Stapp mentioned that this is for the recovery process and we have a temporary employee to assist with beginning the process. This temporary employee will be assisting through October 1st and there is no budget implication at this time.

Do we have hazard pay available to PD, hospital staff, etc...those outside our organization?

Bert: reiterated what Chase stated about hazard pay and staff is currently working on this.

Council Member Baker asked about Federal and State Grants and if the City has received these monies?

Mr. Stapp stated that \$6.4M for transit, \$425,000 to CDBG, and \$157,000 for airport related expenses have been awarded, but not yet received. Guidelines and proper use of funding is still undetermined at this time and no direction provided as of yet. Once this is determined this funding will be distributed. Council Member bakers stated that some citizen concerns are that funding will be similar to the disaster relief funding we saw with the floods and there may be delays. Mr. Stapp stated that staff will work promptly to distribute funds once direction is provided.

Council Member Baker asked about public testing sites and if there are any we should be sending our citizens to them? Staff stated that citizens still need to contact their health care provider if they think they are infected and get directions from them. There are multiple test sites in the County, but it is best to seek direction from your health care provider. If someone does not have a health care provider they can contact Live Oak or San Marcos Family medicine.

Council Member Bakers also asked about hazard pay for those working on the front line. The Human Resources Department is in discussion regarding hazard pay and once this is better understood it will be brought forward.

Council Member Gonzales asked if there will be inspections that may be required for restaurants due to COVID-19 once recovery begins. He also inquired about current cases in our County Jail and there are none at this time. There was discussion about a partnership with the County. Mr. Lumbreras stated there has been nothing received by County yet and no clear direction at this time. In anticipation of what might develop Council will see an item coming forward on April 21st regarding a \$150,000 budget amendment that could be used to assist with testing of the public.

Mayor Hughson asked if funds will be a check to the City or reimbursement as we spend funds. This will depend on the grant and should be in the disbursement discussion.

III. Adjournment.

A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to adjourn the Special Meeting of the City Council at 4:45p.m. The motion carried by the following vote:

- For:** 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales
- Against:** 0
- Absent:** 1 - Council Member Marquez

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor



City of San Marcos

Meeting Minutes City Council

Tuesday, April 21, 2020

3:00 PM

Virtual Meeting

This meeting was held using conferencing software due to the COVID-19 rules.

I. Call To Order

With a quorum present, the work session meeting of the San Marcos City Council was called to order by Mayor Hughson at 3:04 p.m. Tuesday, April 21, 2020. This meeting was held virtually.

II. Roll Call

Council Member Marquez arrived after roll call at 5:15PM

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

PRESENTATIONS

1. Receive Staff presentation, and hold discussion, regarding an update on Fiscal Year 2020 financial strategy and planning in response to the COVID-19 health crisis, Fiscal Year 2020 Capital Improvement Plan (CIP) Projects, as well as, an update on the issuance of bonded debt to provide funding for the projects, and provide direction to Staff.

City Manager, Bert Lumbreras provided a brief update and introduced the following who will lead the presentation:

Dan Wegmiller, the City's Financial Advisor of Specialized Public Finance, Melissa Neel, Assistant Director of Finance, and Laurie Moyer, Director of Engineering /CIP

Mr. Wegmiller, provided the bond buyer's General Obligation Index since 2000 and it indicates that we are currently in a very low interest rate environment. He provided future credit rating considerations, preliminary current refunding opportunity and explained the bank placement sale method.

There were no questions posed by Council for Mr. Wegmiller.

Ms. Neel continued the presentation and discussed the Covid-19 Financial

Strategy which will be flexible, transparent and timely.

There will be three Phases:

Phase I: Should businesses reopen June 1, sales tax revenue shortfall would be estimated at \$6.4M

Phase II: Should businesses not open by June or shortfall exceed projections, Sales tax revenue shortfall would be estimated at \$8.0M

Phase III: Should social distancing measures be extended, fewer businesses reopen, other unforeseen revenue impacts, sales tax revenue shortfall would exceed 25% (more than \$8.0M)

Currently we are implementing Phase I cost saving initiatives. These include:

- *Managed Hiring Program**
- *April '20 Merit/COLA delayed**
- *Capital Outlay (non-essential items)**
- *Homebuyer Incentive & Business Improvement & Growth (BIG) Grant**
- *Dues, Subscriptions, Supplies**
- *Professional Development, Travel, Meals**
- *Departmental Line Item Reductions**
- *Facility Repairs (non-critical)**
- *Street overlay**

Staff is seeking direction from Council on the following considerations:

General Fund:

Phase I consideration to further increase cost savings:

- * Increase utility franchise fees from 7% to 8% - Council provided consensus to move forward**

Phase II considerations:

- * Use of General Fund Balance @ 2% \$1,600,000 Council provided consensus to move forward**

Phase III considerations:

- * Issue short-term tax notes for capital outlay \$2,000,000 - Council provided consensus to move forward**
- * Service Level Reductions/Changes - This will be brought back at a later date if needed**
- * External Agency Funding, Ch. 380 Agreements - This will be brought back at a later date if needed**
- Hotel Occupancy: supplement personnel cost from General Fund \$600,000 - Council provided consensus to move forward**

General fund and HOT are at the same level

Ms. Neel provided the next steps which include a FY20 Financial Update and FY21 Budget Workshop to be held on May 26th and June 30th. A Budget workshop on August 13th and Budget Adoption on September 15th.

Ms. Moyer continued the presentation with the Capital Improvement Plan (CIP) Process and the Financial Strategy.

Staff is seeking consideration on the following:

Does Council want to defer debt as a COVID response? Council is in support and provided consensus

Does Council agree with the debt issuance amount of \$33M? Council is in support and provided consensus

Is there any Council direction on the FY21 CIP? Council consensus was to have two funding amounts for each item, one will be the original expected amount and the second to be a minimum amount in the case we are still experiencing budget shortfalls. The smaller amount will be the proposed amount.

EXECUTIVE SESSION

2. Executive Session in accordance with the following Government Code Sections:

A. §551.071 - Consultation with Attorney regarding: Legal considerations of an anti-discrimination ordinance; and acquisition of property in Downtown San Marcos for public use

B. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for public use

A motion was made by Council Member Baker, seconded by Council Member Gonzales, to enter into Executive Session at 4:58 p.m. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

III. Adjournment.

Mayor Hughson stated Executive Session concluded at 6:03 p.m.

A motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to adjourn the work session meeting of the City Council at 6:04 p.m., April 21, 2020. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor



City of San Marcos

Meeting Minutes

City Council

Tuesday, April 21, 2020

6:00 PM

Virtual Meeting

This meeting was held using conferencing software due to the COVID-19 rules.

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:12 p.m. Tuesday, April 21, 2020. This meeting was held virtually.

II. Roll Call

Observed a moment of silence

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

III. 30 Minute Citizen Comment Period

The following comments were submitted as written comments and read aloud during the citizen comment portion of the meeting:

Lamar Hankins:

I am writing to make known my support for the Cite and Release ordinance, a policy that should have been in place long ago. With the Covid-19 pandemic, the need for the ordinance has reached critical mass because of crowding in jails. Diversion from the criminal legal system has always been an important tool for police officers, prosecutors, and judges. Its use with eligible misdemeanors takes pressure off all levels of the legal system and makes better use of resources. In addition, it helps equalize the treatment between low-income offenders and those with the ability to pay bail or who have ready access to an attorney. The exceptions to Cite and Release found in the ordinance provide adequate discretion to police officers to allow them to fulfill their primary purpose to "serve and protect." I have heard no arguments against Cite and Release that refutes any of what I have written. I urge all members of the City Council to vote in favor of this common-sense approach to keeping our community both safe and fair to all people.

Kate McCarty:

I feel that everyone in the community is mourning the loss of our valued police officer and the critical wounding of the other two officers. So I don't want the following remarks to appear insensitive to that. But San Marcos has an opportunity to set an example statewide in how to implement Cite and Release. I know the police association disagrees with the proposed ordinance, but I hope as they implement it, they will come to appreciate its value. I hope the council will reinstate the word "only" and make this law truly effective. Without the word "only" we really are making little change, and the stark statistics we see in arrests likely will remain. I also feel you understand that the ordinance as written gives police officers on the scene ample safeguards to protect citizens and the individual offenders. What we are doing now seems to unfairly target African-American and Latino citizens, while it overcrowds the jails at a high cost to taxpayers and disrupts individuals' schooling, jobs and families. This can't be what we want.

Jordan Buckley:

Dear Council, Months ago, I attended a San Marcos Police Officers Association meeting, the same group responsible for this despicable advertisement. At that SMPOA meeting, the presenters so poorly bungled the topic of discussion, by falsely conflating Cite & Release with the proposed Law Enforcement Assisted Diversion program, that Mayor Jane thankfully had to intervene to set the record straight. Now, that same organization is urging followers to send you all talking points that similarly suffer from serious inaccuracy. In some ways, SMPOA is talking out both sides of its mouth: they say they support Cite & Release, always have, and yet they also warn of the dire fallout & a fantasied Seattle-esque apocalypse that will result. They argue that the County must have their diversion program set up before the City can move forward with the ordinance; that is patently untrue. They argue that Failure to Appear rates -- of people not showing up to court -- will worsen, when according to system actors the FTA rate is already around 40%. To be clear, the FTA rate is chiefly a failure of our local criminal system. An exposé in the Houston Chronicle last year -- titled "Lazy Judges" -- singled out our particularly problematic court system in Hays County, observing that of more than 500 large-court systems in Texas, ours is the 7th slowest. Mano Amiga has steadily urged Hays County system actors to implement a text-message reminder system, particularly given how transient our college town is. Snail-mail notices to appear in court, in literally one of the most glacially delayed court systems in the Lone Star State, is a formula for failure. We can blame people accused of petty crimes all we want for the failure of our local court system, but those are disingenuous, irresponsible claims. Lastly, we are grateful that SMPD has done a great job during the pandemic of citing, instead

of arresting, and give credit to Chief Klett and his officers. But when the threats of the virus have faded, it will benefit SMPD to have the guidance provided by Council to ensure this prudent practice continues, even though the consequences are no longer fatal. Thank you, Council, for taking seriously your community who is tired of being arrested unnecessarily, who long for you to take action to spare residents the trauma & hardship that result from being locked in a cage like an animal when it does not have to be that way. Stay safe, and take care.

Eric Martinez:

Dear Council:

I write to encourage you to enact the 6 Critical Moves for Council Success

1. Undue the city attorney's amendment: The city attorney created a loophole in the ordinance designed to undermine the intent of the ordinance. By changing "there is reason to believe" & "it shall be considered" to "the arresting officer believes", he changed this disqualifying circumstance from an objective to subjective standard. There's nothing to argue if a cop says he believed safety required the arrest. You can't argue the facts - the only issue is whether [the arresting officer] believed it...Changing it from subjective to objective would not in any way increase their liability because Constitutional law already employs the objective standard." Please refer to emails & letters by legal organizations and representatives on this topic.

2. Bring back "only" the backbone of the ordinance: If there is no bar on the # of disqualifying circumstances, and the word "only" is removed then it will complicate data reporting, having dozens if not hundreds of "drop-downs" for officers to choose from, making it difficult for policy makers to assess whether or not there is a consistent rationale around officers approach to use of citations, thereby making it difficult to track changes in culture & more...

3. Bring back Authentic Community Participation in Working Groups by striking the provision about citizen comment: If you resign the public to a three-minute public comment portion, then the public cannot have discourse, dialogue, or conversations with the police, city manager, and other stakeholders in a timely manner. "[T]he peculiar evil of silencing the expression of an opinion is, that it is robbing the human race...If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error" Thank you for your leadership on this pivotal issue to advance the civil rights of San Martians in a period of inexcusable criminalization and mass incarceration.

Erin Ckudre:

Dear Council:

I write to encourage you to enact the The 6 Critical Moves for Council Success

4) Support and pass “The Clean Up Amendments”: One of which clarifies that city manager is required to provide data on every instance in which an arrest was made for a citation-eligible charge (other than if there were other higher-level charges), even if it fell within a disqualifying circumstance.

5) Vote NO on a restrictive ID Policy: Mayor Jane promised to bring an amendment with a more limiting interpretation of acceptable IDs for the cite & release program, assuredly disadvantaging those who cannot afford government-issued ID, or are disallowed from obtaining it due to immigration status. People still have to get affirmatively ID’d & booked on the walkthrough when they show up for their citation to appear in court.

6) NO to any other Amendments!

Do not budge on any other amendments, especially in the 11th hour! This draft ordinance was given to Council in July -- the final minutes before its passage are entirely inappropriate to be introducing changes. And we know last Council meeting, a seemingly harmless amendment from the City attorney -- which Council accepted unanimously -- ended up designed to actually limit accountability for officers who violate the ordinance. No sneaky edits to sabotage the policy! It’s way too late to tinker with the ordinance! Hold your ground, Council champions!

Thank you for your leadership on this pivotal issue to advance the civil rights of San Martians in a period of inexcusable criminalization and mass incarceration.

Karen Brown:

I am writing in support of the Cite and Release Ordinance. I have appeared before the Council asking for your support of this Ordinance. I strongly support it for many reasons. Since I can’t attend, a council meeting because I am sheltering in place at home I want to request my comments are read during citizen comment this Friday, April 17.

I was a social worker and social work educator who taught policy and supervised social work interns. I worked with marginalized people as a social worker and work with them now as a volunteer. I have seen with my own eyes and the eyes of my students how marginalized persons often suffer needlessly at the hands of various institutions, including the criminal justice system. This ordinance is excellent policy to help protect vulnerable citizens. As originally written, the Ordinance provides guided discretion to police officers in our community who are charged with a very difficult and dangerous job. As professionals, they can benefit from this policy which provides clear guidance. I am shocked at the harsh reaction reflected in some of the public ads taken

out against some of you serving our community as council members. We elect you to make reasoned decisions whether they are ones we would make or not. I want you to know your community stands behind you as you grapple with the issues surrounding this Ordinance. Also, as originally written, the Ordinance, in Section 2, provides clear and precise and well-crafted guidelines. The sentence, “The City Council further recognizes that the use of the cite and release process may not be appropriate in all instances, and that SMPD officers may find it necessary to arrest a person suspected of having any of the above -listed offenses **ONLY** if any of the following circumstances are present....” should be returned to its original form with the word **ONLY** reinserted. I think this is essential. Also, please consider the overcrowding caused, in part, by large numbers of persons in jail for misdemeanors listed in this Ordinance. It is particularly important for our entire community that our jail population is reduced, in a responsible manner, during the corona virus pandemic. Again, this is for the entire community not only persons incarcerated for misdemeanors when they could be with their families. And last, I think it is extremely important that the citizen groups this Ordinance creates allow full participation by citizens not just short comments at the beginning of each meeting. Thank you for considering my request to support the Ordinance for the good of marginalized citizens, our police officers, and the entire community.

Isabella Briseno:

Hello Council Members, as a campus organizer with Texas Rising, a nonpartisan nonprofit devoted to encour4aging civic engagement among young Texans. I write to encourage you to vote YES! On the Cite & Release Ordinance. While all of you claim to support increased use of citations over arrests for various non-violent misdemeanors identified by state law as eligible, it is crucial that Council provide prudent guidance for officer discretion so that San Marcos Police Department ensures prompt and thorough compliance. Not only do I believe this ordinance is crucial to ensuring the more equitable treatment of all San Martians, I also believe that there are 6 further moves to foster council success in this matter: 4 key amendments and 2 key preventions. Other groups, like Mano Amiga, and concerned citizens have already outlines these 6 key moves, and while I cannot fit and explicate on each in so small a box or time window, I trust you know-as people who have taken on the job of fostering the safety and well being of this community – that each is more important than the last. This is an issue that impacts the livelihood, health, and safety of your neighbors, so please hear your constituents’ calls to action and justice.

Kristian Caballero:

Dear Members of the San Marcos City Council:

On behalf of Texas Appleseed, I would like to express our strong support of the ordinance being considered on the Tuesday, April 21, 2020, City Council Meeting supporting the San Marcos Police Department's Increased Use of Citations in Lieu of Arrest. We urge you to vote for passage of the ordinance in order to maximize public safety, promote equity and reduce racial disparities in the criminal legal system.

We also urge you to undo several amendments to the ordinance made on April 7th that would significantly weaken its impact. Specifically:

- We support reinserting the word "only" into Section 2, so that it reads,**
- "...SMPD officers may find it necessary to arrest a person suspected of having committed any of the above-listed offenses only if any of the following circumstances are present[.]"**
- We also support undoing the amendment to the 3rd exception listed in**
- Section 2, returning to language that reads: "There is reason to believe that the safety of persons (including the subject) would be imminently endangered by the release of the subject. In making this assessment, it shall be considered whether the subject has the physical or mental capacity to endanger the safety of themselves or the public, whether the subject is unlawfully carrying a weapon, and/or if the subject has made immediate threats against other individuals in the area."**
- We urge you to meaningfully include the community in the future working group sessions by changing Section 6, so that the impacted individuals, advocacy organizations, policy experts and the public have more meaningful input than brief public comment at the beginning of each meeting. Aside from undoing those amendments, we encourage you to reject other last-minute amendments beyond the simple, clean-up amendments that Anita Gupta from the Immigrant Legal Resource Center has suggested for the sake of clarity and precision in the ordinance language. In particular, we oppose any amendments that would narrow the acceptable forms of identification. We commend you for your leadership to reduce unnecessary and harmful arrests in your city, which will be a statewide model for other cities if the ordinance is passed with the original language. In doing so, you would protect San Marcos residents from the harms of arrests and jail stays that serve no public safety purpose, and in turn, make the City of San Marcos safer. A growing body of research demonstrates how devastating arrests and jail time are for low-risk individuals, causing loss of employment, loss of housing, interruption of medical and mental health care, and ultimately increasing their likelihood of re-arrests in the future and decreasing their chances for future financial stability. Your**

community will ultimately be safer if people who are low-risk avoid arrest and jail to the greatest extent possible. To maximize the impact of this ordinance, limits on when officers may arrest instead of issue a citation is essential. By allowing officers any justification for not issuing a citation at Council's last meeting (i.e., by striking "only" from Section 2), the issuance of a citation in lieu of arrest would no longer be limited to the enumerated circumstances and would essentially become entirely within each officer's discretion. If this amendment stands, the ordinance will not have its intended impact of improving safety and reducing racial disparities. The experience in Austin is instructive. Prior to the adoption of the Austin Police Department's new cite-and-release policy in November 2018 at the instruction of the Austin City Council, APD actually had an existing policy that covered most offenses eligible under state law. The problem was that the old policy provided such an extensive list of exceptions for when citation was not required to be used that custodial arrests were very common and citations less so. Moreover, Austin police discretionarily arrested Black residents at double the rate of white residents. (Comments were limited to three minutes, time expired)

Mary Schmid Mergler:

Testimony for Tuesday, April 21, 2020, Meeting of San Marcos City Council Submitted by Mary Mergler, Texas Appleseed. Texas Appleseed strongly supports the ordinance being considered today regarding the San Marcos Police Department's Increased Use of Citations in Lieu of Arrest. Texas Appleseed works across the state to reform the criminal legal system with the goals of ending wealth-based punishment, racial disparities and the cycle of debt and poverty perpetuated by the current system. Issuing citations so that low-risk people can avoid unnecessary arrests and jail stays is essential to accomplish those goals. A growing body of research shows how devastating arrests and jail time are for low-risk individuals, causing loss of employment, loss of housing, and other negative consequences, ultimately increasing their likelihood of re-arrests in the future and decreasing their chances of future employment and financial stability. San Marcos will ultimately be safer if people who are low-risk avoid arrest and jail to the greatest extent possible. We also urge you to undo several amendments to the ordinance made on April 7th that would significantly weaken its impact. Specifically, we support reinserting the word "only" into Section 2, so that officers do not have unfettered discretion as to whether to issue a citation or make an arrest. Only by limiting such discretion will this ordinance accomplish its intended goal of minimizing unnecessary arrests. Further, we support undoing the amendment made last meeting changing the "imminent danger" exception from an objective standard to a subjective one. Returning to the objective standard in the

original ordinance would prevent the “imminent danger” exception from becoming a catch-all that an officer could use to justify arrests whenever they wanted, again undermining the intent of the ordinance to significantly expand the use of citations.

We encourage you to reject other last-minute amendments beyond any simple, clean-up amendments. In particular, we oppose any amendments that would narrow the acceptable forms of identification. We have also submitted a letter to City Council expressing our support in greater detail and are happy to answer any questions that Council may have. By passing this ordinance with its original language, this Council would become a leader among Texas cities in protecting its citizens from unnecessary arrests. We urge you to vote for passage of the ordinance in order to maximize public safety, promote equity and reduce racial disparities in San Marcos. Thank you.

Ranjana Natarajan:

Dear Council Members and Mayor: I am writing to provide comment and legal analysis that I hope will be useful as the San Marcos City Council considers whether to adopt an Ordinance favoring the use of cite-and-release in lieu of arrest—as authorized by Texas Code of Criminal Procedure Article 14.06 and other provisions of state law—to guide the San Marcos Police Department.

For purposes of identification, I am a Clinical Professor at the University of Texas School of Law, where I teach and direct a Civil Rights Clinic. In the Clinic, students represent low-income Texas residents on a variety of civil rights matters, including police misconduct. As such, I am familiar with legal issues involving allegations of police misconduct, false arrest, and related legal defenses such as qualified immunity.

I. Ordinances and their Relationship to State Law

As you know, ordinances that touch upon areas also regulated by state law are invalid only if they conflict with state law or the Texas Constitution. See Tex. Const. art. XI, Sec. 5(a); *City of Laredo v. Laredo Merchants Ass’n*, 550 S.W.3d 586, 589, 593 (Tex. 2018) (“local regulation, ancillary to and in harmony with the general scope and purpose of the state enactment, is acceptable”) (internal citation omitted). Here, the proposed cite-and-release ordinance does not conflict with state law so long as it does not require law enforcement officers (LEO’s) to take any action forbidden by state law or forbid LEO’s from taking action required by state law.

II. Policy Advantages of Cite and Release

The proposed cite-and-release ordinance has policy advantages. As you know, the Texas Legislature in 2007 amended Article 14.06 of the Texas Code of Criminal Procedure in light of the burdens on county jails around the state,

and to give localities more flexibility to meet public safety and public health needs. Jurisdictions promoting cite and release are able to devote finite law enforcement and criminal justice resources to more serious crimes while saving jail costs associated with low-level arrests. Also, reducing Class A and B arrests for the enumerated offenses would allow San Marcos residents to continue working, taking care of children, and paying bills without the interruption of arrest and incarceration, all of which benefits the community. At the same time, with clear instructions for court appearances, the City can ensure that people timely fulfill the obligations associated with Class A and B citations.

III. Cite and Release Preserves Law Enforcement Discretion

The proposed cite-and-release ordinance preserves officer discretion by enumerating exceptions for which officers may arrest individuals for the subject offenses. In addition, the ordinance does not create additional threat of civil liability for SMPD officers. People who believe they were arrested in violation of law may file civil suits in federal court for monetary damages pursuant to federal law, 42 U.S.C. §1983. The doctrine of qualified immunity shields officers from damages liability in those cases, if their actions were reasonable under the circumstances and did not violate the Constitution. If a person arrested for a Class A or B offense were to sue an SMPD officer under 42 U.S.C. §1983...

(Comments were limited to three minutes, time expired)

Karl Brown:

Dear Members of our City Council. I know that some of you have good reasons for preferring a resolution rather than an ordinance. My experience with resolutions is that they are often ignored or cherry-picked to suit the picker. I can appreciate the difficult position in which you are often placed, trying to negotiate your way through competing interests. I can also understand the perspective of our police officers. But in my opinion this ordinance could, if properly executed, reduce their stress by their knowing not only the wishes of the City, but more clarity about its rules of enforcement. Furthermore, regulation of enforcement agencies by such an ordinance is not a radical idea, we do it on state, national and even global levels all the time. Finally, I have become increasingly aware that many residents in our community fear the police, thus making it difficult or impossible to obtain their cooperation in solving more serious crimes in our community. So, my effort in supporting this ordinance is outlined in my letter to the editor. I would only add that the reduction in the rate of arrests and incarceration makes even more sense during this pandemic when there are great concerns about the spread of the virus in our prisons. Thank you for your service and for this consideration. Letter to the Editor, San Marcos Daily Record, Cite &

Release Ordinance: A Better Way

Our City Council has the opportunity on Tuesday to pioneer a better way forward toward ending needless arrests.

In 2007, the Texas Legislature identified a host of minor offenses for which they deemed a citation would be sufficient as opposed to an arrest. Governor Rick Perry signed it with bi-partisan support. Last summer, Mano Amiga and other interested residents of San Marcos, urged the City Council to form the Criminal Justice Reform Committee and presented a draft ordinance that would make citations the default option for San Marcos police officers except in certain specified scenarios such as: the subject does not provide satisfactory identification or the subject has an outstanding arrest warrant, etc. At this point I think there are several other scenarios being suggested. In October of last year, official county data on SMPD's arrest rate for citation-eligible offenses was made available to the press and public. Regional media noted the high rate of needless arresting of residents as well as the special attention that African American residents got from our officers. A story on the Fox News affiliate, titled "Report shows San Marcos police didn't cite-and release any Black people in 2018," revealed a remarkable inequality of enforcement. With what appears to be a very high rate of arrests for citation-eligible offenses in 2019, I stand with those who believe that now is a prudent opportunity for our City Council to provide guidance on officer discretion and elucidate our priority of keeping people out of jail who do not need to be there. Let me be clear. I appreciate the vital work of our police officers. On several occasions I have been the beneficiary of their work. As a former city councilman for three terms, I learned about the danger and complexity of their service to our community. On a few occasions I rode with police officers to better understand the many challenges that they face each day. It is a tough job, requiring much professionalism and courage. It is my opinion that this ordinance will go a long way toward strengthening and building trust between the police department and the general public, including those who see themselves as more vulnerable to unnecessary arrests. This ordinance will provide a clearer set of boundaries and guidelines that will assist police officers as they make discretionary decisions in critical moments of enforcement. his ordinance will require more transparency about the way discretionary judgments are made and the reasoning behind them. Finally, this ordinance will likely help us move from our excessive dependence on incarceration as a way of holding minor offenders accountable to a better way known as restorative justice. (Comments were limited to three minutes, time expired)

Karen Munoz:

Dear Mayor Hughson & Council:

I trust you understand the power each of your positions gives you and hope that you take that power seriously tonight, that you think about the people most negatively impacted by our criminal justice system, and that in doing so you lead us into a more just community. I urge you all to vote yes to the Cite & Release Ordinance and, specifically, that you bring back community participation in the forthcoming Working Group, beyond just a 180-second soundbite at Citizen Comment. In a letter addressed to Council ahead of the first vote two weeks ago, Austin Councilmember Greg Casar said the community stakeholder meetings were "critical to their policy's success" and specifically highlighted how critical it was that those meetings included community members who could push the City to be accountable to their goals. It's THIS accountability I am urging you to include. The criminal justice system affects most among us; many of us then are "community stakeholders". A Working Group without consistent, genuine input from people who have themselves been incarcerated and organizers who may be critical of the system will not work for this Ordinance. People who are formerly incarcerated who have seen for themselves what the system is actually like, from the literal inside and not just from the perspective of the people doing the incarcerating. Without those experiences being listened to and taken seriously, the work we all do to change the system meaningless. People closest to the problem are always closest to the solution. People who have actually been arrested by a San Marcos police officer, people who have themselves spent time in Hays County Jail, people who have been outsourced to other counties' jails - away from their loved ones; people who have actually lost their jobs and had their lives changed by even just a couple days spent in jail - these are the people who will always have the best solutions to the problems of our criminal legal system. If we define "community stakeholder" only as people enforcing our laws, then we're only going to be left with a system that continues to serve itself. As far as Mayor Hughson's wish to limit the types of IDs accepted, I'd add that San Antonio PD is not listing an explicit ID list, in favor of an open-ended policy. Austin's officer manual also allows for non-traditional forms of ID, such as library card, utility or rent bill, community organizational membership card, student ID, church ID, or other forms of identification that include an individual's name and address. As a former Library Board member, I hope we move toward expanding the library ID to include a photo so that everyone, regardless of income level, can have access to a useful government-issued ID. I hope you make the most just decision tonight.

Alexis Duran:

My name is Alexis Duran and I am a student leader with Texas Rising. I write to encourage you to vote YES! on the Cite & Release Ordinance. I believe that

It's important for the community as a whole to enact a Cite & Release Ordinance, because without it we have seen how it causes a permanent disruption in those affected, in terms of, families, employability, and being able to earn a degree. There is no possible way to fully recover from being in jail for the rest of your life you will be questioned on it and more than likely, since our system is so flawed and makes it so difficult for someone to be released from jail and gain employability at a job they may end back up in jail because they had to do something to earn money just to survive. The system punishes the poor for being poor. How can somebody pay restitution when they are jailed pre-trial? I've seen it many times in my life with my family. The first offense was minor and non-violent, but still no matter where they applied nobody after it anywhere they would apply no one would hire them. They had to resort to working in the informal economy just to earn money to support their family and newborn daughter. Currently they've been incarcerated for 12 years. A more just society where we have a Cite & Release Ordinance and a holistic public defender's office would have helped prevent this situation, along with rehabilitation, instead of just allowing people to go through this cycle where there is no one way for them to get out. I urge all of you for the betterment of your community, and to show you care and value their lives by enacting the following "6 Critical Moves for Council Success":

The 6 Critical Moves for Council Success

- 1) YES to Reinstating "Guided Discretion" -- the Backbone of the Policy -- by Re-inserting "Only"!**
- 2) YES to Authentic Community Participation in the Working Group, not just Token Citizen Comment!**
- 3) YES to an Objective Standard of Interpreting the Disqualifying Circumstances, not just Letting Officers do Whatever They Feel!**
- 4) YES to Clean-Up Amendments!**
- 5) NO to a Restrictive ID Policy!**
- 6) NO to any other Amendments!**

30 Minute Citizen Comment Period

John Schuster:

Dear San Marcos City Council, I feel that the San Marcos City Council ought to vote yes to reinstate the Cite and Release Ordinance back into a meaningful form. Guidelines for officer discretion that ensure timely and thorough compliance comport with the alleged City Council support for increasing the use of citations, over arrests, for various eligible non-violent misdemeanors as defined by state law. I ask the City Council to amend the Cite and Release Ordinance by reinstating 'Guided Discretion.' By reinserting 'only' in the clause, officers still retain broad discretion but may only make an arrest in a

disqualifying circumstance. According to former SMPD Chief Chase Stapp, the list of disqualifying circumstances is “fairly exhaustive,” and the ‘only’ allows for the gathering of data that’s accurate & more easily understood. I ask the City Council to include an amendment that says yes to an objective standard of reasonableness based in constitutional law. This means restoring the draft ordinance to its original language by changing “the arresting officer believes” to “there is reason to believe.” This will ensure that officers who would otherwise be free to ignore the ordinance will not have that option. I ask the City Council to vote yes on the Clean-Up Amendments that would fix typos and other minor changes, as wished by the ordinance’s original author, Anita Gupta of Immigrant legal Resource Center. I ask the City Council to include an amendment providing authentic community participation in the working group, and not ‘token citizen comment.’ I am convinced that authentic community involvement is crucial to a democracy’s health, meaning 180-second sound bites do not suffice for public input as valued discourse. I ask the City Council to vote no on any amendment that offers a more limiting interpretation of acceptable forms of ID for the Cite and Release program. Not only do these policies disproportionately affect the poor and, residents are still affirmatively ID’d when they arrive in court for their citation. Finally, I ask the city council to vote no on any other amendments that are proposed. Seeing that this draft ordinance was given to the Council in July with plenty of time for input, it is entirely inappropriate to be bringing changes before its final vote.

Thank you for doing your part in reducing jail time in San Marcos. Living in the richest country in the history of the world, that also has the highest incarceration rate, the only country tailing us being Russia, I feel like the least we can do is issue citations for non-violent offenses.

Samantha Benavides:

Hi, my name is Samantha, & I’m an issue advocacy fellow with MOVE Texas. MOVE Texas is a nonpartisan non-profit, building youth power across the state through civic engagement, issue advocacy, and leadership development. I’d like to once again express my support for a cite and release ordinance and express my gratitude for those who stood by, spoke directly to, and legislated with young people in mind throughout this process. As Dr. Joca Marquez put it, this ordinance does not send a message to the local business community that we do not prioritize their well being; instead, the message this ordinance sends is that we are compassionate towards our community. It shows that we trust them to return for a court hearing. It shows that we do not believe our pre-trial jail system is just, and that our community deserves better. It shows that we do not believe it to be dignified that we are willing to spend millions of dollars to

outsource our inmates to unfamiliar facilities when the infractions they've committed should be default citable offenses. It shows that we will take direct action in addressing the racial disparities in our police department's use of cite and release. It shows that San Marcos City Council is leading the way for other cities and counties towards a more just criminal legal system in Texas. *That* is the message that this ordinance sends. I'd also like to urge the implementation of the word "only" back into the ordinance. The guidance of officer discretion is the backbone of this policy; without this ordinance guiding officer discretion, I am certain that we will continue seeing racial disparities in San Marcos Police Department's use of cite and release.

To those of you who have been supportive of this ordinance since July, thank you for your leadership. Myself, MOVE Texas, and our ally community members and organizations urge the passage of this ordinance. It's imperative to avoid disturbing and disrupting lives with punitive and unnecessary incarceration. If we fail to enact this reform, this is what we are maintaining, a system that if left unchanged will ruin lives. Stand with young people and avoid this harm by voting yes.

Kama Davis:

To the Mayor and City Council Members of the City of San Marcos:
Thank you for your service to our community, especially now, during the Covid-19 pandemic.

I strongly support a city ordinance of cite and release. Many people more eloquent than I have expressed many reasons why a cite and release ordinance is necessary, where a resolution would not be enough. I am particularly concerned that our jail is overcrowded as it is. Covid-19 is here, in Hays County, and if it gets into our jail, it will be devastating to the staff, the police force, and of course, the inmates. We are responsible for all of these members of our community, everyone. Cite and release would help keep the population in the jail down, and this would lower the risk of infection to all involved. Please implement a cite and release ordinance. Thank you.

Kristy Money:

Dear City Council, I am a resident of San Marcos, where I live with my husband and our five children. My husband and I both work here in town, and our school-age children attend San Marcos CISD. We are proud to have made San Marcos our home. I support the Cite & Release Ordinance and urge you all to vote in favor. As a licensed psychologist who previously worked directly for incarcerated youth in Texas prisons, I have seen too many promising young lives that have been derailed beginning with an arrest for a minor offense that, under this proposed ordinance, would not have to happen. Under the original

language of the ordinance (including the word “only” which was removed from the section on guided discretion), officers have the power to still make arrests in disqualifying circumstances, which include all of the examples which have been cited as scare tactics in public comments and advertisements around this topic.

So please, I ask you to do right by us as citizens and set a heroic example for the rest of our state and vote yes for this ordinance, without the addition of any amendments (such as restricting the admissible forms of ID) that could unnecessarily target particular populations (like the undocumented) or violate the spirit of the ordinance. Thank you for your consideration and your service to our city.

Raymond Ortega:

San Marcos City Council, I am student of Texas State and a resident of San Marcos. The Cite and Release Ordinance should be passed not just in light of the pandemic, but also as a long-term implementation that works towards bettering the community as a whole. The San Marcos Police Department has neglected to use existing cite and release laws, opting to arrest individuals majority (77%) citation-eligible offenses. This wastes time on the parts of the Police Department and the judicial system, money on the taxpayer's part, and space within jails, which is especially dangerous in this current pandemic when multiple people in Hays County are confirmed positive for COVID-19 and one death has resulted from infection. These arrests also disproportionately affect minority groups, especially people of color, and cause more financial and mental health instability for the working-class people of Hays County. We have the tools in place to implement this much-needed ordinance, now it is up to the members of the San Marcos City Council to follow through with the needs of their constituents.

Rolf Straubhaar:

Dear City Councilmembers, I am writing in support of the proposed Cite & Release Ordinance, and urge all council members to support it. I thank Council members Mark Rockeymoore, Joca Marquez, Melissa Derrick and Maxfield Baker for their previous support for the ordinance, and for voting in support of the ordinance on the first vote. I love San Marcos and am very happy to live and work here with my wife and children. It makes me proud to know that you as our representatives are the first city government in the State of Texas to consider this type of ordinance—one that sends a clear message that we as a city value and honor the lives and livelihoods of all San Martians, including those who encounter the police while committing minor nonviolent offenses.

I have close friends and family who have committed the types of non-violent misdemeanors listed under the proposed ordinance. Some of them, all of whom are White, were let off with a warning or a citation, and their lives were not thrown for a loop. They had an opportunity to learn from their mistakes, and have gone on to live happy and productive lives. Several others I know and love, all of whom are Black or Hispanic, have been arrested and incarcerated for the same types of offenses, and have had much higher hurdles put before them to return to normal life. The same trend is true at both the state and national levels, in terms of who tends to not get punished for minor non-violent offenses, and who reliably does get punished. The fact that this proposed ordinance is even under consideration shows how well y'all as a council understand these issues. I, like you, want to live in a town where more of our citizens are reliably given a second chance. Thank you for your time and consideration.

Evie Straubhaar:

Dear Council, I am 8 years old. My mom and dad wrote letters and I want to write a letter too. Sometimes I make mistakes. When my mom and dad help me, I learn from my mistakes. Please vote yes so more people can learn from their mistakes and not go to jail. Thanks.

PRESENTATIONS

1. Receive status reports and updates on response to COVID-19 pandemic; hold council discussion, and provide direction to Staff.

Bert Lumbreras, City Manager, gave a brief introduction of the COVID-19 item. Chase Stapp, Director of Public Safety, provided status reports and updates on response to the COVID 19 pandemic.

Updates to Governor Abbott's Actions:

- April 17 - Press Conference Announcing Multiple Executive Orders
- Established Strike Force to Open Texas - team of medical experts and private and public leaders to advise the Governor on safely and strategically reopening the state of Texas
- April 27 - Governor will announce a revised plan based on initial recommendations
- Reopening of select services and activities in Texas
- April 24 - "Retail-To-Go" model allowed for all stores, including non-essential
- All schools - including public, private, and higher education institutions - remain closed for the remainder of 2019-2020 school year.
- April 22 - Loosened restrictions allowing surgeries and procedures medically

necessary to diagnose or correct a serious medical condition

-April 20 - State parks reopened - visitors required to wear face coverings, maintain a six-foot distance from individuals outside of their party, and groups larger than five prohibited

Efforts to date (updated)

-Processed Late Fee Exemptions for 87 commercial utility accounts, 65 residential utility accounts since implementation on March 26

- Continue researching, applying for grant opportunities

- Notified that we were not selected to receive All Together ATX Central Texas COVID-19 Rapid Response Grant

Developing application for The Grills Fund for Main Street Revitalization

- Temperature checks begun for all City staff as they report to workplace

- Providing daily Council email updates and message board additions

Additional City actions

Advertising a full page ad on Healthy & Helpful Tips in Sunday's San Marcos Daily Record

Council action items

- Financial update on the COVID-19 Response during work session

- Budget amendment to allocate \$50,000 from the Special Services budgets in each of the three major funds: General, Electric, Water/Wastewater to be used for COVID-19 Response

Upcoming considerations

Second Public Health Advisory from Mayor

Encourage physical distancing, environmental sanitation and cleanliness, and the wearing of cloth face coverings or face masks by people older than the age of 2 while in public

Discussion on April 30th meeting

Additional recommendations from the Governor on April 27

Update on Financial Assistance strategies

Hold discussion on payment plan for food establishment permit fees

Council Member Baker asked about the City not qualifying for the All Together ATX grant and would like to know what the disqualifying circumstances were. Mr. Stapp stated that a letter was received just letting us know when the next round of applications can be submitted.

Council Member Rockeymoore asked about the number of tests we are getting from the State and if we have other avenues in getting more tests. Mr. Stapp noted that we do not know when we will be getting more tests.

Council Member Gonzales asked about the time frame on results of the test. Mr. Stapp stated that the results vary. San Marcos and Hays County are using Clinical Pathology Laboratories with results coming back within 24-48 hours.

Council Member Baker ask about with more parks opening, are people showing up tubing and congregating in groups, has there been increase? Mr. Stapp stated that he is unaware of people congregating at parks that are closed. The parks are being patrolled on a daily basis by the City's Park Rangers and the police officers.

Council Member Baker asked how the trash cans at Rio Vista Park that have lids are being sanitized? Mr. Stapp will email Council on a response on how that is being handled.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve the consent agenda with the exception of items #3 and 4, which were pulled and considered separately. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

- 2.** Consider approval, by motion, of the following meeting Minutes:
 - A. March 3, 2020 - Work Session Meeting Minutes
 - B. March 3, 2020 - Regular Meeting Minutes
 - C. March 17, 2020 - Regular Meeting Minutes
 - D. March 31, 2020 - Special Meeting Minutes
 - E. April 7, 2020 - Work Session Meeting Minutes
 - F. April 7, 2020 - Regular Meeting Minutes
- 3.** Consider approval of Ordinance 2020-18, on the second of two readings, supporting the San Marcos Police Department's increased use of the cite and release process, when appropriate, instead of arresting individuals suspected of having committed certain misdemeanor offenses: requiring recordkeeping and reporting of use of the cite and release process and instances in which individuals have been arrested for cite and release eligible offenses; and providing an effective date.

MAIN MOTION: a motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-18. Mayor Hughson noted that all seven council members support cite and release in general.

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Gonzales, to allow staff to change the ordinance to a standard ordinance form. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 1 - Council Member Marquez

MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Mayor Pro Tem Mihalkanin, to add the direct citations from the Texas Code of Criminal Procedures to the list of the following offenses and to remove Class A under Driving while License Invalid. The section will now read:

Possession of Marijuana less than 4 oz, Class A or Class B misdemeanor, Texas Health and Safety Code § 481.121(b)(1)&(2)

Driving while License Invalid, Class B misdemeanor, Texas Transportation Code § 521.457

Criminal Mischief, Class B misdemeanor, Texas Penal Code § 28.03(b)(2)

Graffiti, Class A or Class B misdemeanor, Texas Penal Code § 28.08(b)(2)&(3)

Theft of Property, Class B misdemeanor, Texas Penal Code § 31.03(e)(2)(A)

Theft of Services, Class B misdemeanor, Texas Penal Code § 31.04(e)(2)

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Council Member Derrick, to amend the ordinance in recitals #4 from 14.08 to 14.06. The section will now read:

"4. The City Council acknowledges that our Peace Officers are allowed to exercise their discretion to issue a citation in lieu of arresting individuals for certain offenses when authorized by State law under article 14.06 of the Texas Code of Criminal Procedure."

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, in Section 2 to strike all sentences after the second sentence and after the word “deemed” insert "by the investigating officer". The new section will read as follows:

"The subject is not a resident of the county in which the offense was allegedly committed. For the purposes of this Section, an individual who lives, works, or goes to school in the county where the offense was allegedly committed will be deemed by the investigating officer to be a resident of Hays County."

The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 1 - Council Member Marquez

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, in Section 4 to strike “justifications” and insert the word “reasons.” After the words “for the arrests” insert the words "indicated by using one or more of the circumstances in Section 2; identity, Hays County connection, imminent danger, demand for magistrate, arrest warrant, or other offense." The new section will read as follows:

"The City Manager shall provide and make available to the public a quarterly report or memorandum concerning the use of the cite and release process in lieu of arrest in instances when a ticket or citation is allowed by state law. This report or memorandum shall be provided to the City Council and made public on a quarterly basis and should document anonymized records of every instance that a resident was issued a citation in lieu of arrest and every instance that a resident was arrested for a nonviolent misdemeanor charge when the suspect had no outstanding warrants, was not intoxicated and legally could have been given a citation, but an arrest was made anyway, and shall include the justifications reasons for the arrests indicated by using one or more of the circumstances in Section 2; identity, Hays County connection, imminent danger, demand for magistrate, arrest warrant, or other offense."

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Gonzales, in Section 1, to strike criminal mischief, theft of property, and theft of services . The section would read:

Class C misdemeanors other than public intoxication, assault, or family violence

Possession of Marijuana less than 4 oz, Class A or Class B misdemeanor

Driving while License Invalid, Class B misdemeanor

Graffiti, Class A or Class B misdemeanor

The motion failed by the following vote:

For: 3 - Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Gonzales

Against: 4 - Council Member Derrick, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

MOTION TO AMEND: a motion was made by Council Member Derrick seconded by Mayor Hughson, to amend in Section 1, subsection 4, 5, 6, and 7 to insert the language at the end of each specified sentence "if the amount of pecuniary loss is less than or equal to \$375.00". The new section will read as follows.

Criminal Mischief, Class B misdemeanor Texas Penal Code §28.03(b)(2) in an amount less than or equal to \$375

Graffiti, Class A or Class B misdemeanor – Texas Penal Code §28.08(b)(2) & (3) in an amount less than or equal to \$375

Theft of Property, Class B misdemeanor – Texas Penal Code §31.03(e)(2)(A) in an amount less than or equal to \$375

Theft of Services, Class B misdemeanor – Texas Penal Code §31.04(e)(2)in an amount less than or equal to \$375

The motion passed by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore and Council Member Gonzales

Against: 2 - Council Member Marquez and Council Member Baker

MOTION TO AMEND: a motion was made by Council Member Derrick, seconded by Mayor Pro Tem Rockeymoore, in Section 2 to insert the word "only" after the word "offenses." The section will read as follows:

"The City Council further recognizes that the use of the cite and release process may not be appropriate in all instances, and that San Marcos Police Department officers may find it necessary to arrest a person suspected of having committed any of the above-listed offenses only if any of the following circumstances are present: ..."

MOTION TO END DEBATE: a motion was made by Council Member Mihalkanin, seconded by Mayor Hughson, to end discussion on the amendment to insert the word "only" into Section 2 in the second paragraph and to call for the vote. The motion to end debate carried by a vote of 7-0.

The motion to amend by inserting the word "only" into Section 2, second paragraph after the word "offenses" carried by the following vote:

For: 4 - Council Member Derrick, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 3 - Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Gonzales

MOTION TO AMEND: a motion was made by Mayor Pro Tem Rockeymoore, seconded by Council Member Baker, to have the language that was struck in Section 2 subsection 2 inserted at the end of Section 2 subsection 1 and strikethrough utility or rent bill. The new section will read as follows.

"The subject does not provide satisfactory evidence of personal identification to allow for citation. In determining whether the subject is able to provide satisfactory evidence of personal identification, it shall be acknowledged that not all persons are able to produce a government- issued ID. Therefore, although a government-issued ID is preferred, the City shall accept other forms of identification, regardless of expiration date, including but not limited to: any state or federally-issued ID, student ID, or other forms of identification that include an individual's name and address, as well as photos of the aforementioned forms of identification."

The motion carried by the following vote:

For: 4 - Council Member Derrick, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 3 - Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Gonzales

MOTION TO AMEND: a motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockey Moore, to amend Section 2 number 3 at the beginning of the section to delete "The arresting officer believes and insert "There is reason to believe" and to delete the phrase "the arresting officer shall consider" and insert "it shall be considered". The section will read as follows:

"There is reason to believe that the safety of persons (including the subject) would be imminently endangered by the release of the subject. In making this assessment, it shall be considered whether the subject has the physical or mental capacity to endanger the safety of themselves or the public, whether the subject is unlawfully carrying a weapon, and/or if the subject has made immediate threats against other individuals in the area. In cases in which the subject appears to suffer from mental illness and/or addiction, a referral to appropriate medical and/or psychiatric services in lieu of arrest shall be considered in accordance with San Marcos Police Department policy."

The motion failed by the following vote:

For: 3 - Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

Against: 4 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Gonzales

MOTION TO AMEND: A motion was made by Council Member Marquez, seconded by Deputy Mayor Pro Tem Rockey Moore, in Section 5 in the second paragraph to strike "by including a citizen comment agenda item.". The section would read as follows:

"The City Council directs the City Manager to arrange regular meetings of the Police Chief's Advisory Panel, other interested stakeholders and community organizations, individuals directly impacted by the policing and arrests of immigrant communities and communities of color, and any representatives that may be designated by the Hays County District Attorney's Office in the development of policies, procedures, and practices related to this Ordinance. These meetings shall be open to public participation."

The motion carried by the following vote:

For: 4 - Council Member Derrick, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

Against: 3 - Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Gonzales

MOTION TO AMEND: a motion was made by Mayor Hughson, seconded by Council Member Gonzales, in section 7 to strike "upon approval on second reading" and insert "effective date of May 31, 2020."

The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

MAIN MOTION: to approve Ordinance 2020-18 as amended.

The motion carried by the following vote:

For: 4 - Council Member Derrick, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 3 - Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Gonzales

4. Consider approval of Resolution 2020-84R, approving Amendment No. 4 to the Airport Project Participation Agreement between the City and the Texas Department of Transportation initially approved by Resolution 2015-80R and then amended by Resolution 2016-80R and Resolution 2019-117R which authorized the City's acceptance of a grant from the Texas Department of Transportation for the construction of a box hangar and associated developments at the San Marcos Regional Airport; to increase the estimated project cost from \$881,200.00 to \$920,447.00; to approve the City's expenditure of local funds in the estimated amount of \$253,283.70; authorizing the City Manager or his designee to execute any documents necessary for the implementation of the hangar development project; and declaring an effective date.

A motion was made by Council Member Baker, seconded by Council Member Derrick, to approve Resolution 2020-84. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

5. Consider approval of Resolution 2020-85R, approving an Advanced Funding Agreement with the State of Texas, acting through the Texas Department of Transportation (CSJ No. 0016-02-149) for the Water and Electric Utility Relocation project from Interstate Highway 35 from North of River Ridge Parkway to Loop 82, with an estimated cost of participation by the City in the amount of \$555,400.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2020-86R, approving an Advanced Funding Agreement

(AFA) with the State of Texas, acting through the Texas Department of Transportation (CSJ No. 0016-03-114), for drainage and landscaping betterments along IH-35 from south of SH 80 (Hopkins St) to north of RM 12 (Wonder World Dr) with a participation amount by the City of \$5,822,990.22, authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; and declaring an effective date.

7. Consider approval of Resolution 2020-87R, awarding a contract to Fleet Safety Equipment, Inc. (known as Dana Safety Supply) through the Texas Local Government Purchasing Cooperative BuyBoard (Contract No. 603-20) for the purchase of patrol equipment to outfit the recently purchased vehicles for the Police Department in the amount of \$331,724.80; authorizing the City Manager or his designee to execute the appropriate purchase documents on behalf of the City; and declaring an effective date.
8. Consider approval of Resolution 2020-88R, approving the following in connection with the Whisper Public Improvement District: (I) an amended and restated financing agreement with Whisper Master Community Limited Partnership, Yarrington Partners Ltd., Whisper Industrial 2019 QOZB, LLC and 135 Residential Development, LLC; (II) an improvement area #1 acquisition and reimbursement agreement with Whisper Master Community Limited Partnership, Yarrington Partners Ltd., Whisper Industrial 2019 QOZB, LLC and 135 Residential Development, LLC; and (III) an improvement area #2 acquisition and reimbursement agreement with Whisper Master Community Limited Partnership; authorizing the City Manager to execute said agreements on behalf of the City; and declaring an effective date for said agreements.
9. Consider approval of Resolution 2020-89R, approving an Interlocal Agreement with the City of Cedar Park, Texas, to enable each city to utilize vendors for goods and services under contracts procured by the other; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

NON-CONSENT AGENDA

10. Consider approval of Ordinance 2020-22, on the first of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour along the 500 block of Harvey Street between North Street and Blanco Street; authorizing the installation of signs and traffic control devices reflecting the new speed limit; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the new speed limit; and including procedural provisions.

A motion was made by Council Member Baker, seconded by Council Member Derrick, to approve Ordinance 2020-22, on the first of two readings. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

11. Consider approval of Ordinance 2020-23, on the first of two readings, establishing a no parking / tow-away zone on the southside of a city easement located at 708 Peques Street pursuant to Section 82.066 of the San Marcos City Code; authorizing the installation of signage reflecting the no parking / tow-away zone; directing that the Traffic Register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the no parking / tow-away zone; and including procedural provisions.

A motion was made by Council Member Derrick, seconded by Mayor Hughson, to approve Ordinance 2020-23, on the first of two readings. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

12. Consider approval of Ordinance 2020-24, on the first of two readings, amending the traffic register maintained pursuant to section 82.067 of the City Code by decreasing the speed limit in the 1300 through 1500 blocks of Belvin Street (between Bishop Street to Dixon Street) from 30 miles per hour to 25 miles per hour in both directions and authorizing the installation of speed cushions; and including procedural provisions.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-24, on the first of two readings. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

13. Consider approval of Ordinance 2020-25 amending the city's 2019-2020 fiscal year budget to allocate \$50,000.00 from each of the special services budgets of the city's general fund, electric fund, and water and wastewater fund for a total amount of up to \$150,000.00 to pay for various activities in response to the COVID-19 pandemic; providing for the adoption of this ordinance on only one reading as an emergency measure; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2020-25, on one reading as an emergency measure. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

14. Consider approval of Resolution 2020-90R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 9.61 acres out of the Edward Burleson Survey No. 18, Abstract No. 63, Hays County, generally located in the 400 Block of Centerpoint Road; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

A motion was made by Mayor Hughson, seconded by Mayor Pro Tem Mihalkanin, to approve Resolution 2020-90R. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

15. Consider approval of Resolution 2020-91R, approving an agreement for the provision of services in connection with the proposed owner requested annexation of approximately 60 acres out of the Thomas G. McGehee Survey, Abstract No. 11, Hays County, located at 4087 State Highway 21; authorizing the City Manager, or his designee, to execute said agreement on behalf of the City; setting a date for a Public Hearing concerning the proposed annexation of said tract of land; and declaring an effective date.

A motion was made by Mayor Hughson, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2020-91R. The motion carried by the following vote:

For: 6 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 1 - Council Member Marquez

EXECUTIVE SESSION (if necessary)

16. Executive Session in accordance with the following Government Code Sections:
- A. §551.071 - Consultation with Attorney regarding: Legal considerations of an anti-discrimination ordinance; and acquisition of property in Downtown San Marcos for public use
 - B. Section § 551.072 - Real Property: to receive a staff briefing and deliberation

regarding acquisition of property in Downtown San Marcos for public use

Bert Lumbreras, City Manager asked Council to postpone #16 B. to allow staff additional time to gather information.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore to postpone #16 B. Section 551.072 - Real Property: to receive a staff briefing regarding acquisition of property in Downtown San Marcos for public use. The motion carried by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 2 - Mayor Pro Tem Mihalkanin and Council Member Marquez

DIRECTION/ACTION FOLLOWING EXECUTIVE SESSION

17. Consider action, by motion, regarding the following Executive Session items held during the Work Session:

A. §551.071 - Consultation with Attorney regarding: Legal considerations of an anti-discrimination ordinance; and acquisition of property in Downtown San Marcos for public use

B. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for public use

Mayor Hughson stated the following regarding Executive Session items A and B:

A.) Direction was provided to Staff

B.) This item is postponed to the May 5, 2020 City Council Meeting

V. Adjournment.

A motion was made by Council Member Baker, seconded by Deputy Mayor Pro Tem Rockeymoore, to adjourn the regular meeting of the City Council on Tuesday, April 21, 2020 at 10:08 p.m. The motion carried by the following vote:

For: 5 - Council Member Derrick, Mayor Hughson, Deputy Mayor Pro Tem Rockeymoore, Council Member Baker and Council Member Gonzales

Against: 0

Absent: 2 - Mayor Pro Tem Mihalkanin and Council Member Marquez

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor



Legislation Text

File #: Ord. 2020-22(b), **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-22, on the second of two readings, reducing the speed limit from 30 miles per hour to 25 miles per hour along the 500 block of Harvey Street between North Street and Blanco Street; authorizing the installation of signs and traffic control devices reflecting the new speed limit; directing that the traffic register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the new speed limit; and including procedural provisions.

Meeting date: May 5, 2020

Department: Public Services (Tom Taggart)

Amount & Source of Funding

Funds Required: \$300

Account Number: 10006147.53230

Funds Available: \$38893

Account Name: Traffic-Signs

Fiscal Note:

Prior Council Action: approved on 1st reading on April 21, 2020

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

- ☒ Transportation - Safe, Well coordinated transportation system implemented in an environmentally sensitive manner
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Transportation Master Plan

Background Information:

Pursuant with Sec. 82.066, all regulatory signs where the authority to install is not specifically delegated to the traffic engineer, requires approval from City Council by ordinance.

The Public Services Department received a petition from residents on the 500 block of Harvey Street between North Street and Blanco Street to reduce the traffic speed from 30 mph to 25 mph. Along the roadway segment there are 19 physical addresses and the petition received 11 responses in support of a 25 mph speed limit change.

Harvey Street is a local residential street approximately 28 feet wide without sidewalk. The 85th percentile speed is 24.9 mph.

State law allows the establishment of speed limits with 5 mph of the 85th percentile speed.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

City staff recommends approval of the 25 mph speed on 500 block of Harvey Street (from North Street to Blanco Street).

ORDINANCE NO. 2020 -22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS REDUCING THE SPEED LIMIT FROM 30 MILES PER HOUR TO 25 MILES PER HOUR ALONG THE 500 BLOCK OF HARVEY STREET BETWEEN NORTH STREET AND BLANCO STREET; AUTHORIZING THE INSTALLATION OF SIGNS AND TRAFFIC CONTROL DEVICES REFLECTING THE NEW SPEED LIMIT; DIRECTING THAT THE TRAFFIC REGISTER MAINTAINED UNDER SECTION 82.067 OF THE SAN MARCOS CITY CODE BE AMENDED TO REFLECT THE NEW SPEED LIMIT; AND INCLUDING PROCEDURAL PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Pursuant to Chapter 82 of the San Marcos City Code, and on the basis of finding that a decreased speed limit is reasonable and prudent, the speed limit along the 500 block of Harvey Street between North Street and Blanco Street is hereby decreased from 30 miles per hour to 25 miles per hour.

SECTION 2. The City's traffic engineer is authorized to install such signs and traffic control devices as he deems appropriate to reflect the new speed limit.

SECTION 3. The traffic engineer is directed to amend the traffic register maintained under section 82.067 of the San Marcos City Code to reflect the new speed limit.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance shall be effective upon its adoption on second reading.

PASSED AND APPROVED on first reading April 21, 2020.

PASSED, APPROVED AND ADOPTED on second reading May 5, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael Cosentino
City Attorney



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

TRAFFIC CALMING PETITION

The City of San Marcos has received a request to install speed humps or rumble strips at the location described below. This survey serves to assess neighborhood/business consent of the proposed traffic calming measure. This survey will be used in conjunction with other City evaluations to assess the feasibility of this restriction or variation thereof. The results of this survey do not guarantee the installation of the traffic calming measure.

Street Name (for Restriction:) Harvey Street (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: Reduce Speed Limit to 25 mph (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Michele Donnelly		524 Harvey St Sm TX 78666	512 787 8324	✓		Michele Donnelly
Adam Landry	City of San Marcos	533 Harvey St. Sm, TX 78666	512-665-2633	✓		Adam Landry
Laura Brackney		533 Harvey St. SM, TX 78666	281-844-5304	✓		Laura Brackney
Janett Bostick	Greyskull Productions	539 Harvey St. SM, TX 78666	512-468-7580	✓		Janett Bostick
GARY ALLEN		539 Harvey St	512-787-6446	✓		Gary Allen
ANA RILEY	TX STATE UNIVERSITY	539 HARVEY ST	512-826-0916	✓		Ana Riley
Anna Hadaza Gonzalez	Sacred Earth Acupuncture	539 Harvey ST sm. TX 78666	512 474 8370	✓		Anna Hadaza Gonzalez

Community Contact: Seann Welch Address: 529 Harvey

Phone: 512 470 9196

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

TRAFFIC CALMING PETITION

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Street Name (for Restriction:) Harvey Street (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: Reduce speed limit to 25mph (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Tobias Mansner	TX State University	539 Harvey st apt 3	914-552-1485	✓		Tobias Mansner
Marco Gutierrez	San Marcos Resident	533 Harvey St	956 290 3139	✓		Marco Gutierrez
William Duckley		516 Harvey St	830-387-6836	✓		William Duckley
Jessi Newton		516 Harvey St	512-644-0752	✓		Jessi Newton
Sandra Moreno		514 Harvey St	512-398-3388	✓		Sandra Moreno
Robyn Perry		503 Harvey St	512-887-5716	✓		Robyn Perry
MICHAEL PARRIS		503 HARVEY ST	512-392-6786	✓		Michael Parris

Community Contact: Alexander Van Keuren
Sean Welch

Address: 529 Harvey

Phone: 512 470 9196

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

TRAFFIC CALMING PETITION

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Street Name (for Restriction:) Harvey Street (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: Reduce Speed Limit to 25mph (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Tristan Robinson		912 Harvey St	830 481 8736	X		Tristan Robinson
Taylor Thurman		510 Harvey St Unit B.	512-554-1940	X		Taylor Thurman
Josiah Thurman		510 Harvey St. Unit B	361-947-1720	X		Josiah Thurman
Wyatt Ince		510 Harvey St. Unit A	817 115-5814	X		Wyatt Ince
Rachel Elliott		510 Harvey St, Unit A	903-915-9669	X		Rachel Elliott
Nathan Gober		513 Harvey St	210-926-4009	X		Nathan Gober
David Donnelly		524 Harvey St.	512-787-1388	X		David Donnelly
Sean Welch		529 Harvey St	512 470 9196	X		Sean Welch

Community Contact: Sean Welch Address: 529 Harvey Phone: 912 470 9196

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135

Speed Limit Change to 25 mph Petition

500 Block of Harvey St.





Legislation Text

File #: Ord. 2020-23(b), **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-23, on the second of two readings, establishing a no parking / tow-away zone on the southside of a city easement located at 708 Peques Street pursuant to Section 82.066 of the San Marcos City Code; authorizing the installation of signage reflecting the no parking / tow-away zone; directing that the Traffic Register maintained under Section 82.067 of the San Marcos City Code be amended to reflect the no parking / tow-away zone; and including procedural provisions.

Meeting date: May 5, 2020

Department: Public Services - Transportation Division (Sabas Avila)

Amount & Source of Funding

Funds Required: \$300

Account Number: 10006147.53230

Funds Available: \$38893

Account Name: Traffic-Signs

Fiscal Note:

Prior Council Action: approved on 1st Reading on April 21, 2020

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☒ Transportation - Safe, Well coordinated transportation system implemented in an environmentally sensitive manner

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Transportation Master Plan

Background Information:

Pursuant to Section 82.066 of the City Code, all regulatory traffic signs where the authority to install the signage is not specifically delegated to the traffic engineer, requires approval from City Council by ordinance.

The city traffic engineer received a request from city staff that a no-parking tow-away zone be created on the southside of a city easement located at 708 Peques Street. The easement is continuously encroached by commuter parking, which results in a hazardous situation for city employees who need to access the Spring Town Lake water tower for operations and maintenance.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

City staff recommends approval of installing No-Parking Tow-away zone on the south side of city easement located at 708 Peques Street.

Pursuant with 82.067- The traffic engineer shall develop and maintain a traffic register containing a record of every location in the city where any traffic control device or special regulation is made applicable, whether by ordinance or by the traffic engineer's authority established under this chapter.

ORDINANCE NO. 2020-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS ESTABLISHING A NO PARKING / TOW-AWAY ZONE ON THE SOUTHSIDE OF A CITY EASEMENT LOCATED AT 708 PEQUES STREET PURSUANT TO SECTION 82.066 OF THE CITY CODE; AUTHORIZING THE INSTALLATION OF SIGNAGE REFLECTING THE NO PARKING / TOW-AWAY ZONE; DIRECTING THAT THE TRAFFIC REGISTER MAINTAINED UNDER SECTION 82.067 OF THE SAN MARCOS CITY CODE BE AMENDED TO REFLECT THE NO PARKING / TOW-AWAY ZONE; AND INCLUDING PROCEDURAL PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Pursuant to Chapter 82 of the San Marcos City Code, and on the basis of finding that a no parking / tow-away zone on the southside of a city easement located at 708 Peques Street is reasonable and prudent in order to avoid a hazardous condition for city employees, such no parking / tow-away zone as depicted on the map attached hereto and incorporated as Exhibit A is hereby established.

SECTION 2. The City's traffic engineer is authorized to install any signage he deems appropriate to reflect the new no parking / tow-away zone.

SECTION 3. The traffic engineer is directed to amend the traffic register maintained under section 82.067 of the San Marcos City Code to reflect the no parking / tow-away zone.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance shall be effective upon its adoption on second reading.

PASSED AND APPROVED on first reading April 21, 2020.

PASSED, APPROVED AND ADOPTED on second reading May 5, 2020.

Jane Hughson
Mayor

Attest:

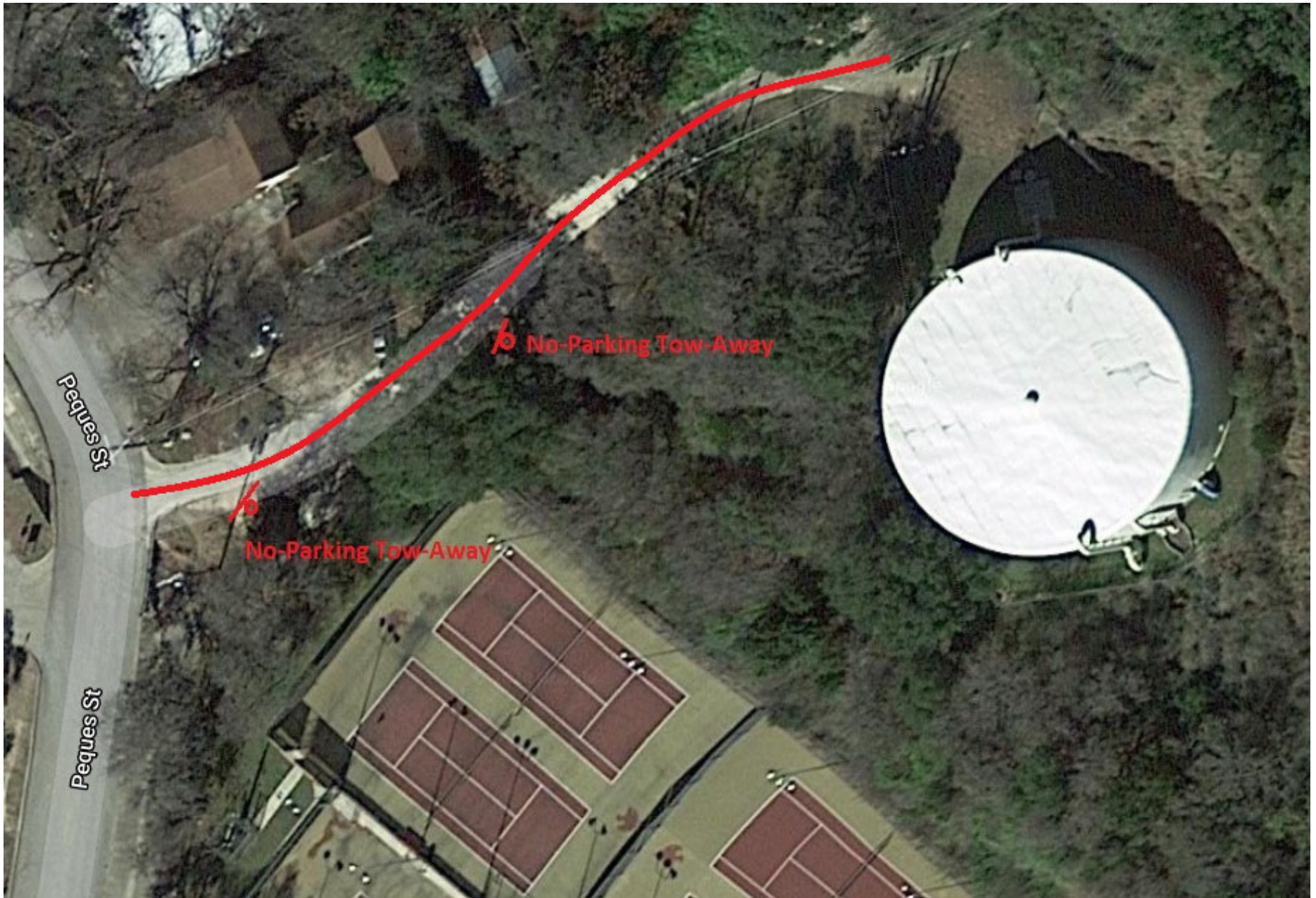
Tammy K. Cook
Interim City Clerk

Approved:

Michael Cosentino
City Attorney

Installation of No-Parking Tow-Away Zone

708 Peques Street





City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Legislation Text

File #: Ord. 2020-24(b), **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-24, on the second of two readings, amending the traffic register maintained pursuant to section 82.067 of the City Code by decreasing the speed limit in the 1300 through 1500 blocks of Belvin Street (between Bishop Street to Dixon Street) from 30 miles per hour to 25 miles per hour in both directions and authorizing the installation of speed cushions; and including procedural provisions.

Meeting date: May 5, 2020

Department: Public Services Department (Tom Taggart)

Amount & Source of Funding

Funds Required: \$9,000

Account Number: 10006150.53010

Funds Available: \$663,110

Account Name: Streets-Asphalt

Fiscal Note:

Prior Council Action: approved on 1st reading on April 21, 2020

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☒ Transportation - Safe, Well coordinated transportation system implemented in an environmentally sensitive manner

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Transportation Master Plan

Background Information:

Pursuant to Section 82.066 of the City Code, all regulatory traffic signs and devices, where the authority to install is not specifically delegated to the traffic engineer, requires approval from City Council by ordinance.

The Public Services Department received a petition from residents on Belvin Street seeking to have speed humps installed between Bishop Street and Dixon Street. Thirty-one property owners reside along Belvin Street in this segment. Of the 31 property owners, the petition contained 24 responses. Among the 24 responses, 23 were supportive of the speed hump installation and one property owner was opposed.

Based on a speed study conducted February 25 through March 3, 2020, the average eighty-fifth percentile speed on Belvin Street is 30.1 mph.

If approved, the Transportation Division of the Public Services Department will install speed cushions. Speed cushions are similar to speed humps except speed cushions maintain a gap in the middle of humps to allow emergency management vehicles to straddle the humps so as to not adversely impact response times.

Council Committee, Board/Commission Action:

[Click or tap here to enter text.](#)

Alternatives:

[Click or tap here to enter text.](#)

Recommendation:

With the Hopkins Street Reconstruction Project approaching, the speed cushions will serve as a traffic calming measure for any cut-through traffic that may attempt to avoid the project and the City's official detour plan and travel on Belvin Street. In order to maintain roadway safety, City staff recommends the approval of installing speed cushions on the 1300-1500 block of Belvin Street (between Bishop Street and Dixon Street).

ORDINANCE NO. 2020-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE TRAFFIC REGISTER MAINTAINED PURSUANT TO SECTION 82.067 OF THE CITY CODE BY DECREASING THE SPEED LIMIT IN THE 1300 THROUGH 1500 BLOCKS OF BELVIN STREET (BETWEEN BISHOP STREET TO DIXON STREET) FROM 30 MILES PER HOUR TO 25 MILES PER HOUR IN BOTH DIRECTIONS AND AUTHORIZING THE INSTALLATION OF SPEED CUSHIONS; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. Belvin Street is a two-way residential street located in the Belvin Street Historic District of the City. A traffic study conducted between February 25, 2020 and March 3, 2020 indicated that the 85th percentile speed in the 1300 to 1500 blocks of Belvin Street (between Bishop Street to Dixon Street) to be 30.1 miles per hour.

2. Such traffic conditions are not safe for residents and residents have petitioned the City to impose traffic regulations and devices in the 1300 through 1500 blocks of Belvin Street (between Bishop Street to Dixon Street) in order to improve public safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The Recitals are hereby found to be true and correct and are adopted as the findings of the City Council.

SECTION 2. Pursuant to Section 82.066 of the San Marcos Code, and on the basis of the findings stated, the City Council hereby authorizes decreasing the speed limit from 30 miles per hour to 25 miles per hour in the 1300 through 1500 blocks of Belvin Street (from Bishop Street to Dixon Street) in both directions and the installation of speed cushions.

SECTION 3. The installation of signs providing notice of the speed limit and the presence of the speed cushions is also hereby authorized.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance shall be effective upon its adoption on second reading.

PASSED AND APPROVED on first reading on April 21, 2020.

PASSED, APPROVED AND ADOPTED on second reading on May 5, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael Cosentino
City Attorney



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

25 MPH PETITION

The City of San Marcos has received a request to install speed humps or rumble strips at the location described below. This survey serves to assess neighborhood/business consent of the proposed traffic calming measure. This survey will be used in conjunction with other City evaluations to assess the feasibility of this restriction or variation thereof. The results of this survey do not guarantee the installation of the traffic calming measure.

Street Name (for Restriction:) 1300 - 1500 Belvin Sp. (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: 25 MPH Speed Limit (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Alex von Posumy		1339 Belvin		✓		
Landon Waddle		1337 Belvin		✓		
Adrian Lopez		1335 Belvin	830-237-2520	✓		
Epi Lozano		1321 Belvin	512 665 4777	✓		
Roland Denson		1316 Belvin	512-396-0430	✓		
Nash Christ		1404 Belvin	512-893-0033	✓		
Norma Gaona		1412 Belvin	512-557-1953	✓		

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

25 MPH PETITION

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Street Name (for Restriction:) 1300 - 1500 Belvin St. (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: 25 MPH Speed Limit (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
David Gama		1412 Belvin St	512-557-1953	✓		Dennis Def
Esther Henk	KW Realty	1528 Belvin St	512-757-1994	✓		Esther Henk
Casidy Henk	Tejas Equipment	1528 Belvin St	512-738-3353	✓		Casidy Henk
Zaka James		1532 Belvin St	512-655-4061	✓		Zaka James
Erica Carcamo		1400 Belvin St.	512-738-1001	✓		Erica Carcamo
Mario Aguila		1531 Belvin St	512 738 6910	✓		Mario Aguila
Nancy Hernandez		1508 Belvin St	512-618-8458	✓		Nancy Hernandez

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

25 MPH PETITION

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Street Name (for Restriction:) 1300 - 1500 Belvin St. (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: 25 MPH Speed Limit (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Manuel Vielma		1540 Belvin St.	(512)667-3159	✓		Manuel Vielma
Arturo Cervantez		1833 Belvin St	512 878 7483	✓		Arturo Cervantez
Margie Cervantez		1333 Belvin St.	512 878 7483	✓		Margie Cervantez
Maricela Vielma		1540 Belvin St.	512 667-3084	✓		Maricela Vielma
Rosa C. Wutz		1334 Belvin St.	210-789-6527	✓		Rosa C. Wutz
Jaime Cervantez		1334 Belvin St.		✓		Jaime Cervantez
Richard Contreras		1533/1537 Belvin St	(512) 779-7789	✓		Richard Contreras

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

25 MPH PETITION

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Street Name (for Restriction:) 1300 - 1500 Belvin St. (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: 25 MPH Speed Limit (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Cathy Curran		1400 Belvin St.	512-396-3240	✓		Cathy Curran
Mary Renteria		1315 Belvin St.	512-396-5187	✓		Mary Renteria
Geri Walker		1544 Belvin Street	(512) 738-5874	✓		Belinda Watson

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

TRAFFIC CALMING PETITION

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Street Name (for Restriction:) 1300-1500 Belvin St. (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) Belvin St (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: 25 MPH (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Ben Harrison		1327 Belvin St	512-644-8866	X		Ben Harrison
Jodi Trickett		1501 Belvin St	512-392-18	X		Jodi Trickett
Angela Perez		1536 Belvin St.	512-785-8866	X		Angela Perez

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

Residents from the neighborhood have requested the following traffic calming measure between the 1300-1500 Block of Belvin St.,

1. Reduce the speed limit from 30 mph to 25 mph.
2. Install speed humps.

Your input is valuable to help City Council to make decisions. We kindly suggest you to fill in the response form below and send it back to:

City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?

Yes ☒ No ☐

Name: VICTOR PEREZ Address: 1509 BELVIN ST

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Yes ☒ No ☐

Name: VICTOR PEREZ Address: 1509 BELVIN ST

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

Residents from the neighborhood have requested the following traffic calming measure between the 1300-1500 Block of Belvin St.,

1. Reduce the speed limit from 30 mph to 25 mph.
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Your input is valuable to help City Council to make decisions. We kindly suggest you to fill in the response form below and send it back to:

City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

~~~~~  
**Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?**

Yes ☒ No ☐

Name: Deborah Roecker Address: 1335 Belvin

~~~~~  
Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Yes ☒ No ☐

Name: Deborah Roecker Address: 1335 Belvin

Zou, Ning

From: Elly Del Prado Dietz <elly@delpradodietz.com>
Sent: Monday, March 2, 2020 8:46 PM
To: Public Works Information
Subject: [EXTERNAL] Belvin Street

I believe all of Belvin Street should have 25 mph limit and speed humps.

Elly Del Prado Dietz
Del Prado Dietz, PLLC

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous.
Click the Phish Alert button above if you think this email is malicious .

1531 Belvin Street

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

Residents from the neighborhood have requested the following traffic calming measure between the 1300-1500 Block of Belvin St.,

1. Reduce the speed limit from 30 mph to 25 mph.
2. Install speed humps.

Your input is valuable to help City Council to make decisions. We kindly suggest you to fill in the response form below and send it back to:

City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?

Yes */* No

Name: *J. LEATHERWOOD* Address: *223 B N. BISHOP*

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Yes */* No

Name: *J. LEATHERWOOD* Address: *223 B N. BISHOP*

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

Residents from the neighborhood have requested the following traffic calming measure between the 1300-1500 Block of Belvin St.,

1. Reduce the speed limit from 30 mph to 25 mph.
2. Install speed humps.

Your input is valuable to help City Council to make decisions. We kindly suggest you to fill in the response form below and send it back to:

City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?

Yes ☒ No ☐

Name: Richard Conrads + Linda Sparks Address: 303 N Bishop St

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Only if they are the large ones like the ones on Lockhart St
Yes ☒ No ☐

Name: Richard Conrads + Linda Sparks Address: 303 N Bishop St

We would also like the same on Bishop St going up + down the street. People are always speeding and it is hard to feel safe turning into our driveway. It is really bad on the weekends late at night on both Bishop + Belvin.

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

Residents from the neighborhood have requested the following traffic calming measure between the 1300-1500 Block of Belvin St.,

1. Reduce the speed limit from 30 mph to 25 mph.
2. Install speed humps.

Your input is valuable to help City Council to make decisions. We kindly suggest you to fill in the response form below and send it back to:

City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?

Yes _____

No ☒

Name: Linda Aguirre Bazan Address: 1328 Belvin St.

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Yes _____

No ☒

Name: Linda Aguirre Bazan Address: 1328 Belvin St

I do NOT support the 2 car lane concept from Taco Bell to MLK - not to mention - EMS or SMPD. blockage.

Speed Limit Change to 25 mph Petition 1300 to 1500 Block of Belvin St.





City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

TRAFFIC CALMING SURVEY

The City of San Marcos has received a request to install speed humps or rumble strips at the location described below. This survey serves to assess neighborhood/business consent of the proposed traffic calming measure. This survey will be used in conjunction with other City evaluations to assess the feasibility of this restriction or variation thereof. The results of this survey do not guarantee the installation of the traffic calming measure.

Street Name (for Restriction:) Belvin St. (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) 1300 - 1500 (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: Speed Humps (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE Speed Humps (check one)		SIGNATURE
				YES	NO	
Zera James		1534 Belvin St.	(512)395-5671	✓		Zera James
Ane Cruz		1531 Belvin St.	512 749 6902	✓		Ane Cruz
Epi Lozano		1321 Belvin	512-865-4777	✓		Epi Lozano

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

SPEED HUMP PETITION

The City of San Marcos has received a request to install speed humps or rumble strips at the location described below. This survey serves to assess neighborhood/business consent of the proposed traffic calming measure. This survey will be used in conjunction with other City evaluations to assess the feasibility of this restriction or variation thereof. The results of this survey do not guarantee the installation of the traffic calming measure.

Street Name (for Restriction:) 1300-1500 Belvin St. (e.g. N. LBJ Drive)
Block No.(s) (for Restriction:) Belvin St (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: Speed hump (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Ben Harrison		1327 Belvin St.	512-644-8866	X		Ben Harrison
Felix T. Pacheco		1501 Belvin St	512-991-1100	X		Felix T. Pacheco
Angela Perez		1536 Belvin St.	512-787-8811	X		Angela Perez

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

TRAFFIC CALMING PETITION

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Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 – 300 block, etc.)
Suggested Traffic Calming Measure: Speed Humps (e.g. speed humps, rumble strips, diverter, etc.)

SPEED HUMP

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
Manuel Vielma		1540 Belvin St. San Marcos	(512) 667-3159	✓		Manuel Vielma
Maricela Vielma		1540 Belvin St.	(512) 667-3084	✓		Maricela Vielma
Arturo Cervantes		1333 Belvin St.	512 8787483	✓		Arturo Cervantes
Margie Owen		1333 Belvin St.	512 8787483	✓		Margie Owen
Rose C. Watz		1334 Belvin St.	(210) 789-6527	✓		Rose Watz
James Cervantes		1334 Belvin St.		✓		James Cervantes
Richard Contreras		1533/1537 Belvin St	(512) 779-7789			Richard Contreras

Community Contact: _____ Address: she Rick. Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

SPEED Hump TRAFFIC CALMING PETITION

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Block No.(s) (for Restriction:) _____ (e.g. 500 block, 100 - 300 block, etc.)
Suggested Traffic Calming Measure: speed humps (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE 25 MPH signs (check one)		SIGNATURE
				YES	NO	
<u>Cathy Currance</u>		<u>1400 Belvin St.</u>	<u>512-396-3240</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Cathy Currance</u>
<u>Mary Renteria</u>		<u>1315 Belvin St.</u>	<u>512-396-5187</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Mary Renteria</u>
<u>Maricela Vielma</u>		<u>1540 Belvin St.</u>	<u>(512) 667-3084</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Maricela Vielma</u>
<u>Manuel Vielma</u>		<u>1540 Belvin St.</u>	<u>(512) 667-3084</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Manuel Vielma</u>
<u>Geni Walker</u>		<u>1544 Belvin Street</u>	<u>(512) 738-5874</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Geni Walker</u>

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation
512-393-8135



City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

TRAFFIC CALMING SURVEY

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Block No.(s) (for Restriction:) 1300 - 1500 . (e.g. 500 block, 100 - 300 block, etc.)
Suggested Traffic Calming Measure: Speed Humps (e.g. speed humps, rumble strips, diverter, etc.)

NAME (print)	COMPANY	ADDRESS	PHONE NUMBER	APPROVE Speed Humps (check one)		SIGNATURE
				YES	NO	
Kay Banning		1316 Belvin St.	512-396-0430	✓		Kay Banning
Alfred Foxworth		1339 Belvin		✓		Alfred Foxworth
Chas Gonzales		1337 Belvin		✓		Chas Gonzales
May Lopez		1508 Belvin St.	512-618-8458	✓		May Lopez
Casidy Henk		1528 Belvin	512-738-3353	✓		Casidy Henk
ESTHER HENK	Kwikbeats	1528 Belvin	512-787-2889	✓		ESTHER HENK
VICTOR PEREZ	Smeisd	1509 Belvin ST	512-644-1538	✓		VICTOR PEREZ

Community Contact: _____ Address: _____ Phone: _____

Please Return to: Cris Gonzalez
City of San Marcos, Public Services – Transportation

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

Residents from the neighborhood have requested the following traffic calming measure between the 1300-1500 Block of Belvin St.,

1. Reduce the speed limit from 30 mph to 25 mph.
2. Install speed humps.

Your input is valuable to help City Council to make decisions. We kindly suggest you to fill in the response form below and send it back to:

City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?

Yes ☒ No ☐

Name: VICTOR PEREZ Address: 1509 BELVIN ST

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Yes ☒ No ☐

Name: VICTOR PEREZ Address: 1509 BELVIN ST

1300 – 1500 Belvin Street Traffic Calming Survey

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City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?

Yes ☒ No ☐

Name: Deborah Roecker Address: 1335 Belvin

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Yes ☒ No ☐

Name: Deborah Roecker Address: 1335 Belvin

Zou, Ning

From: Elly Del Prado Dietz <elly@delpradodietz.com>
Sent: Monday, March 2, 2020 8:46 PM
To: Public Works Information
Subject: [EXTERNAL] Belvin Street

I believe all of Belvin Street should have 25 mph limit and speed humps.

Elly Del Prado Dietz
Del Prado Dietz, PLLC

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous.
Click the Phish Alert button above if you think this email is malicious .

1531 Belvin Street

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

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1. Reduce the speed limit from 30 mph to 25 mph.
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City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?

Yes */* No

Name: *J. LEATHERWOOD* Address: *223 B N. BISHOP*

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Yes */* No

Name: *J. LEATHERWOOD* Address: *223 B N. BISHOP*

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

Residents from the neighborhood have requested the following traffic calming measure between the 1300-1500 Block of Belvin St.,

1. Reduce the speed limit from 30 mph to 25 mph.
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City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

~~~~~  
**Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?**

Yes ☒ No ☐

Name: Richard Conrads + Linda Sparks Address: 303 N Bishop St  
~~~~~

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Only if they are the large ones like the ones on Lockhart St
Yes ☒ No ☐

Name: Richard Conrads + Linda Sparks Address: 303 N Bishop St

We would also like the same on Bishop St going up + down the street. People are always speeding and it is hard to feel safe turning into our driveway. It is really bad on the weekends late at night on both Bishop + Belvin.

1300 – 1500 Belvin Street Traffic Calming Survey

Dear Resident/Property Owner,

Residents from the neighborhood have requested the following traffic calming measure between the 1300-1500 Block of Belvin St.,

1. Reduce the speed limit from 30 mph to 25 mph.
2. Install speed humps.

Your input is valuable to help City Council to make decisions. We kindly suggest you to fill in the response form below and send it back to:

City of San Marcos

Public Services Dept./Transportation

630 E Hopkins, San Marcos, TX 78666

You can also email your response to: Transportationinfo@sanmarcostx.gov

Question 1: Do you support to reduce the speed limit to 25 MPH on 1300-1500 Belvin St.?

Yes _____

No ☒

Name: Linda Aguirre Bazan Address: 1328 Belvin St.

Question 2: Do you support to install speed humps on 1300-1500 Belvin St.?

Yes _____

No ☒

Name: Linda Aguirre Bazan Address: 1328 Belvin St

I do NOT support the 2 car lane concept from Taco Bell to MLK - not to mention - EMS or SMPD. blockage.

Installation of Speed Hump Petition 1300 to 1500 Block of Belvin St.





Legislation Text

File #: Res. 2020-92R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-92R, approving an Interlocal Agreement between the City of San Marcos and Texas State University for drainage, road, intersection and pedestrian improvements along Academy Street and West Sessom Drive; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Meeting date: May 5, 2020

Department: Engineering & CIP

Amount & Source of Funding

Funds Required: NA

Account Number: C419

Funds Available: \$420,925.38

Account Name: Sessom Improvements at Academy

Fiscal Note:

Prior Council Action: NA

City Council Strategic Initiative: [Please select from the dropdown menu below]

Multi Modal Transportation

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☒ Transportation - Multimodal transportation network to improve accessibility and mobility, minimize congestion and reduce pollution

☐ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Transportation Master Plan

Background Information:

This Interlocal Agreement is between the City of San Marcos and Texas State University to reflect a joint project on Academy Street and Sessom Drive for drainage, road, intersection and pedestrian improvements. Texas State will be participating in the costs of the construction improvements as follows:

- 42.9 percent of the cost for the construction for drainage
- 50 percent of the cost for the construction of the Academy Street realignment and signalization, and
- 100 percent of the costs for the construction of concrete Pavers, street light and removable bollards for Read Street.

The Sessom Drainage Improvements project consists of upsizing drainage infrastructure along Sessom Drive from Yale Street to Comanche Street, waterline and wastewater line replacements within the project limits, Sessom Dr/Academy St intersection improvements including signalization, and pedestrian/cyclist accommodation along Sessom Drive.

Project Description:

- Stormwater system along Academy St and Sessom Dr from Yale St to the existing infrastructure at Comanche Street
- Upsizing waterline from 6" to 12" along Academy St and Sessom Dr from Yale St to Alamo St
- Upsize wastewater line from 6" to 8" along Academy St and Sessom Dr from Yale St to Alamo St
- Construction of sidewalks within the project limits to accommodate pedestrians
- Construction of Sessom Dr/Academy St intersection including traffic signals
- Construction of pedestrian crossing and push button at Sessom/Academy intersection
- Closure of Read St (at the request of Texas State) including removable bollards
- New pavement markings within the project limits to accommodate cyclists
- Concrete pavers and street light (at the request of Texas State)

Project Schedule:

Currently finalizing design and easement/right-of-way acquisitions are still outstanding. The project is anticipated to begin construction in Summer of 2021.

Council Committee, Board/Commission Action:

[Click or tap here to enter text.](#)

Alternatives:

NA

Recommendation:

Staff recommends approval of this Resolution

RESOLUTION NO. 2020-92R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN MARCOS AND TEXAS STATE UNIVERSITY FOR DRAINAGE, ROAD, INTERSECTION AND PEDESTRIAN IMPROVEMENTS ALONG ACADEMY STREET AND WEST SESSOM DRIVE; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THIS AGREEMENT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The Interlocal Agreement, attached as Exhibit A, with Texas State University for drainage, road, intersection and pedestrian improvements along Academy Street and West Sessom Drive is approved.

PART 2. The City Manager or his designee is authorized to execute the Interlocal Agreement on behalf of the City.

PART 3. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on May 5, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

INTERLOCAL AGREEMENT IMPROVEMENTS ALONG ACADEMY AND WEST SESSOM DRIVE

This Interlocal Agreement is entered into by and between Texas State University ("Texas State") and the City of San Marcos, Texas (the "City") under the authority of the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code.

I. Recitals

1.01. Texas State and the City have a mutual interest in improving the safety of motorists, bicyclists and pedestrians near the Texas State University campus.

1.02. Texas State and the City have identified mutually beneficial road, drainage, intersection and pedestrian improvements along Academy Street and West Sessom Drive, including improvements to realign Academy Street at its intersection with West Sessom Drive, intersection signalization and sidewalk improvements as generally shown in Exhibit "A", attached hereto (the "Improvements"), and wish to jointly participate in the design and construction of the Improvements.

1.03. The purpose of this Agreement is to delineate the roles and contributions of the parties with regard to the design, construction and financing of the Improvements. The activities of the parties under this Agreement are governmental as defined in §791.003 of the Texas Government Code.

1.05. For the reasons above, the parties enter into this Agreement under the terms and conditions below.

II. Coordination and Cost Participation

2.01. Improvements Specifications. Texas State and the City will coordinate to approve any surveys prepared by the engineers and final design specifications and cost estimates for the Texas State portion of the Improvements. Each party shall be entitled to keep copies of any surveys, together with the final plans and any as-built drawings prepared by the engineers.

2.02. Bids for Construction. Texas State will review the design specifications and cost estimates for its portion of the Improvements and the City will review the design specifications and cost estimates for its portion of the Improvements. Following each party's approval of the final design specifications and cost estimates for the Improvements, the authorized representatives of the parties will coordinate and designate a date for the solicitation of bids for construction of the Improvements in accordance with such plans. The City will solicit bids for construction of the Improvements following applicable municipal bidding procedures.

- a.** Cost Sharing. Improvements and their cost sharing are as follows:
- Texas State agrees to pay 42.9 percent of the cost for the construction of Drainage Structures which will convey 42.9 percent of Texas State and 57.1 percent of the City's flows;
 - Texas State agrees to pay 50 percent of the cost for the construction of the Academy Street Realignment and signalization, and
 - Texas State Agrees to pay 100 percent of the costs for the construction of Concrete Pavers, Street Light and Removable Bollards for Read Street.

Before the City places an item on the City Council agenda for the award of a contract for the construction of the Improvements, Texas State shall deliver payment to the City in the amount of the costs allocated to Texas State under

this section.

i. Payments will be made to the contractor under the terms of the contract for construction. Subject to the requirements and deadlines for payment to the contractor under the terms of the contract for construction, the City will notify Texas State in advance of each proposed payment and provide monthly to Texas State copies of all contractor invoices paid. In conjunction with final payment under the contract for construction, the parties will reconcile the allocation of funds contributed by each party toward construction. If the final costs attributable to Texas State are less than the funds paid in advance by Texas State, the City will refund the difference to Texas State upon final payment and closeout under the construction contract.

b. Excessive Bid Price. If the lowest responsible bid price for construction of the Improvements exceeds the estimated costs agreed to by the parties under section 2.01 by more than 15 percent:

i. the parties may approve new specifications and solicit new bids based on such specifications;

ii. the City, with the agreement of Texas State to pay its share of any increased costs for the Drainage Structures, Academy Street Realignment and Signalization, Concrete Pavers and Street Light , Concrete Pavers and Removable Bollards for Read Street, may award the contract at such higher bid price; or

iii. either party may terminate this Agreement by providing written notice of termination to the other and the City will reject all bids.

c. Change Orders. Pursuant to the contract for construction of the Improvements awarded by the City under this section, the City may approve change orders, subject to approval by Texas State of change orders associated with the Drainage Structures, Academy Street Realignment and Signalization, Concrete Pavers and Street Light, Concrete Pavers and Removable Bollards for Read Street or other work where Texas State bears a direct cost under this Agreement. If a change order approved by Texas State results in costs for the Drainage Structures, Academy Street Realignment and Signalization, Concrete Pavers Street Light, and Concrete Pavers and Removable Bollards for Read Street are greater than the initial contract amount, the City may submit an invoice to Texas State for its share of the increased costs under the change order. Texas State shall pay such invoice with 30 days of receiving it.

d. Notice to Proceed. The City's award of a contract under this section will be subject to the temporary licenses and construction easements. The City shall not issue any notice to proceed under a contract for construction awarded under this section until temporary licenses and construction easements are obtained from Texas State.

2.03. Construction Schedule. The City shall include in its bid and construction contract requirements for construction phasing approved by Texas State to minimize the impact of the construction on the operations of Texas State University.

III. Remedies Upon Default

3.01. Termination of Agreement. If either party fails to perform its obligations for any reason except the other party's default or pursuant to a right to terminate expressly set forth in

this Agreement, the other party may terminate this Agreement. If the party elects to terminate the Agreement, then neither party will have any further rights or obligations, except for payment of any expenses owed to the other party for services or work properly completed for the benefit of the terminating party.

IV. General Provisions

4.01. Assignment. Neither party may assign any of its duties or obligations under this Agreement without the written consent of the other.

4.02. Choice of Law and Venue. The parties will construe this Agreement under the laws of the State of Texas and will perform all of their obligations in Hays County, Texas. The term “will” is mandatory in this Agreement.

4.03. Binding Agreement. This Agreement will be binding upon the parties and their respective legal representatives, successors, and assigns.

4.04 Severability. If any the provision of this Agreement is held to be invalid or unenforceable by a court of proper jurisdiction, the holding will not affect any other provisions of this Agreement if the Agreement can be given effect without the invalid provision. The parties will construe the Agreement as if the invalid or unenforceable provision had not been contained in this Agreement.

4.05. Only Agreement. This Agreement, once signed, will constitute the only agreement of the parties regarding this subject and it supersedes any prior understandings or written instruments signed by representatives of either party.

4.06. Notice in Writing. Any notice required or permitted to be given by one party to the other will be in writing and the same will be deemed to have been served and given if delivered in person to the respective address specified below, or placed in the United States Mail to the respective address below, return receipt requested to the addresses below.

City:
City Manager
City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666

Texas State:
Vice President for Finance and Support Services
Texas State University
601 University Drive
San Marcos, Texas 78666

4.07. Performance of Further Acts. In addition to the acts expressly required to be performed by the City and Texas State under this Agreement, the parties agree to perform or cause to be performed at the closing or after closing any and all such further acts as may be reasonably necessary to consummate this Agreement.

4.08. Dispute Resolution. To the extent applicable to this Agreement, the parties will use the procedures in Chapter 2260, Subchapter B of the Texas Government Code to resolve any disputes arising under this Agreement.

4.09. Subject to Appropriation of Funds. The obligations of the parties are subject to the appropriation of funds during the fiscal year in which an obligation arises.

EXECUTED to be effective as of _____, 2020 (the "Effective Date").

CITY OF SAN MARCOS:

By: _____
Bert Lumbreras, City Manager

_____ Date

TEXAS STATE UNIVERSITY:

By: Denise M. Trauth _____
Denise M. Trauth, President

3/6/2020 _____
Date

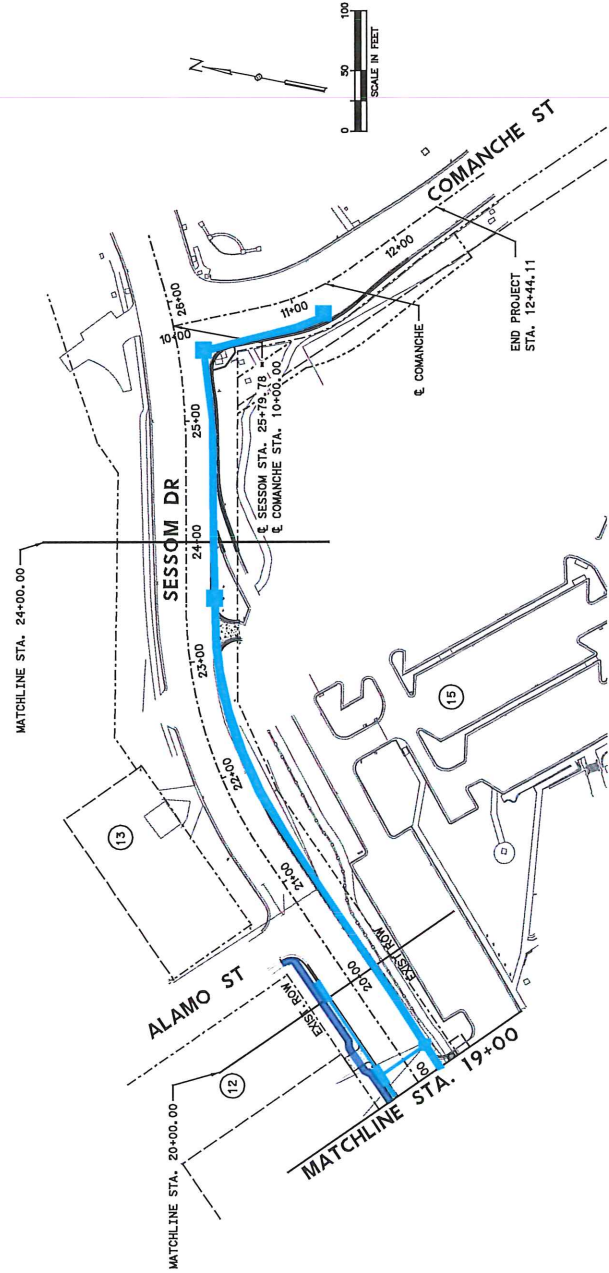
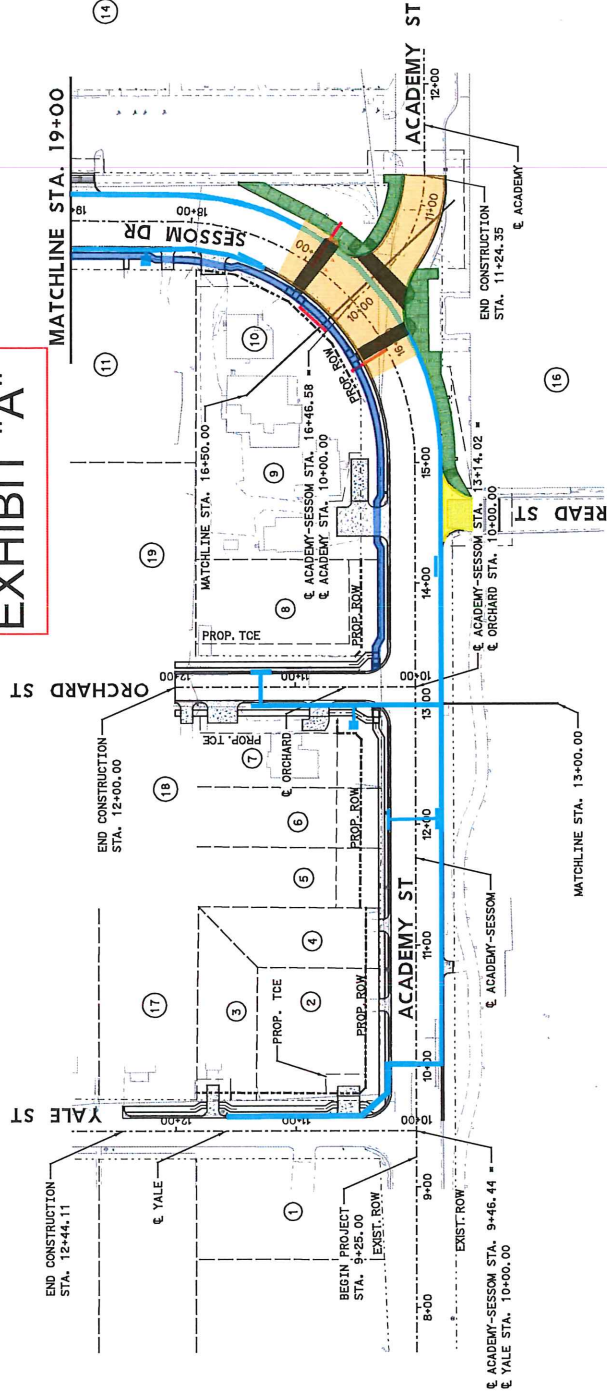
THE TEXAS STATE UNIVERSITY SYSTEM:

Approved as to legal form:

Fernando C. Gomez _____
Fernando C. Gomez, JD, PhD
Vice Chancellor and General Counsel

3-9-2020 _____
Date


EXHIBIT "A"

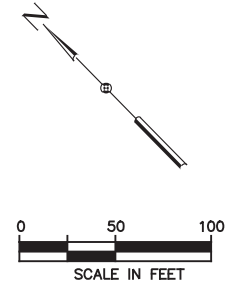


PRELIMINARY—FOR INFORMATION ONLY

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMITTING PURPOSES.

Supervised By: APRIL O. SANDOVAL
P.E. Serial No. 1102558
Date: 11/4/2019

	REV	DATE	DESCRIPTION	APPROVED																				
<div><p>AMERICAN STRUCTUREPOINT LLC</p><p>2711 S. MOHAWK AVE., SUITE 100, JOLIET, IL 61798 TEL: 815-740-4467 FAX: 815-740-2578 www.americanstructurepoint.com</p></div>																								
<div><p>CITY OF SAN MARCOS 1000 N. STATE ST., 3RD FLOOR TEL: 760-744-2200 FAX: 760-744-2201 www.cityofsanmarcos.org</p></div>																								
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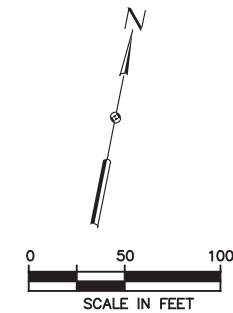




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BIDDING, OR PERMITTING PURPOSES.

Supervised By: APRIL O. SANDOVAL

P.E. Serial No.	<u>110256</u>
-----------------	---------------

Date: 11/4/2019

REV	DATE	DESCRIPTION			APPROVED
 <div style="float: right; text-align: right;"> T&PE FIRM NO. 10069 3711 S MOPAC EXPRESSWAY, SUITE 350 AUSTIN, TX 78746 TEL 512.494.6037 FAX 512.543.9270 www.structurepoint.com </div> <p style="text-align: center;">AMERICAN STRUCTUREPOINT INC.</p>					
 <div style="float: right; text-align: right;"> CITY OF SAN MARCOS 630 E. HOPKINS SAN MARCOS, TX 78666 TEL 512.393.8000 FAX 853.246.9100 www.sanmarcostx.gov </div> <p style="text-align: center;">SAN MARCOS</p>					
<h1>SESSOM DRAINAGE IMPROVEMENTS</h1> <h2>PROJECT LAYOUT</h2>					
H: 1"=100'				SHEET 1 OF 2	
DESIGN	FED.RD. DIV. NO.	FEDERAL AID PROJECT NO.		HIGHWAY NO.	
RAC					
GRAPHICS					
RAC	STATE	DISTRICT	COUNTY	SHEET NO.	
CHECK					
FG					
CHECK	CONTROL	SECTION	JOB	3	
FC					



Legislation Text

File #: Res. 2020-93R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-93R, granting an easement to Bluebonnet Electric Cooperative, Inc. for the installation of underground electric utility facilities in a city lot used for drainage in the Hill of Hays Subdivision; authorizing the City Manager, or his designee, to execute said easement on behalf of the City; and declaring an effective date.

Meeting date: May 5, 2020

Department: Engineering/CIP

Amount & Source of Funding

Funds Required: N/A

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

[Choose an item.](#)

[Choose an item.](#)

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - [Choose an item.](#)
- ☐ Environment & Resource Protection - [Choose an item.](#)
- ☐ Land Use - [Choose an item.](#)
- ☐ Neighborhoods & Housing - [Choose an item.](#)
- ☐ Parks, Public Spaces & Facilities - [Choose an item.](#)
- ☐ Transportation - [Choose an item.](#)

- ☐ Core Services
- ☒ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

San Marcos Electric Utility Master Plan

Background Information:

In order to provide customers in the Hills of Hay Neighborhood with adequate and reliable electrical service, Bluebonnet Electrical Cooperative, Inc. is proposing to install an additional underground electrical power line within the Hills of Hays Subdivision.

Bluebonnet is requesting a 20-foot wide Electrical Easement across a City detention pond in the Hills of Hays Subdivision in order to install the proposed electrical line. The line will be installed by open trench construction at a depth of at least 5 feet with a concrete cap over the line. The City's engineers and drainage utility division have reviewed the plans and determined that the facilities, if constructed in accordance with the plans, will not interfere with the City's maintenance of the detention pond.

Council Committee, Board/Commission Action:

Approve a resolution granting the easement.

Alternatives:

Deny the request for an easement.

Recommendation:

Approve the easement.

RESOLUTION NO. 2020-93R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS GRANTING AN EASEMENT TO BLUEBONNET ELECTRIC COOPERATIVE, INC. FOR THE INSTALLATION OF UNDERGROUND ELECTRIC UTILITY FACILITIES IN A CITY LOT USED FOR DRAINAGE IN THE HILLS OF HAYS SUBDIVISION; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The attached Easement to Bluebonnet Electric Cooperative, Inc. for the installation of underground electric utility facilities in the Hills of Hays Subdivision is hereby approved.

PART 2. The City Manager, or his designee, is authorized to execute said Easement on behalf of the City.

PART 3. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on May 5, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk



BEC internal use only

MAP REF. # **6907 025**

W.O. #

EASEMENT

THE STATE OF TEXAS

COUNTY OF **HAYS**

The undersigned **City of San Marcos**, ("Grantor"), for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **BLUEBONNET ELECTRIC COOPERATIVE, INC.** ("Grantee"), whose post office address is P.O. Box 729, Bastrop, Texas 78602, and its legal representatives, successors and assigns, a non-exclusive, permanent and perpetual easement and right of way (the "Easement") in, upon, below or above Grantor's lands, situated in the County of **Hays**, State of Texas, and described as follows (the "Property"):

A tract of land consisting of approximately **0.96 & 2.0597** acres in the **Hills of Hays Phase 1 Lot 56 Blk 2**, or described in instrument recorded in **Volume 4, Page 268**, Plat Records of **Hays County, Texas**.

The area of the Easement for Underground Electric Facilities shall be 10 feet either side of the initial line(s) as constructed by Grantee (the "Easement Area") as depicted in attached metes and bounds survey, attached as Exhibit A, and made a part hereof for all purposes.

The purpose and scope of this Easement is to place, construct, re-construct, re-phase, operate, maintain, relocate, replace and remove in, below the Easement Area an underground electric distribution line or system, telecommunications systems and equipment, or other services and systems, and its related appurtenances and equipment, and to cut, trim, chemically treat, and/or remove any or all trees, brush, shrubbery or other obstructions within or outside the Easement Area to the extent necessary to keep the Easement Area clear, or which might otherwise endanger or interfere with the efficiency of the lines. Non-use of the Easement shall not be deemed an abandonment. the Easement shall only be terminated by written instrument executed by Grantee and recorded in the real property records of the county or counties in which the Easement Area is located. The purpose and scope of this Easement may not be changed, and Easement Area may not be relocated, without Grantee's written consent. The underground electric facilities installed under this Easement shall be installed using open trenching and in substantial accordance with the minimum specifications shown in Exhibit B, attached hereto and made a part hereof, provided that the City Engineer may approve variations to such specifications in writing.

Grantee shall have the right of pedestrian, vehicular, and equipment ingress and egress over the Property, or any other of Grantor's adjacent lands, to and from the Easement Area for the purpose of placing, constructing, re-constructing, re-phasing, operating, maintaining, relocating, replacing and removing said lines and appurtenances, and may make use of such Property or other lands outside the Easement Area as is reasonably necessary for such activities, including the temporary placement and storage of vehicles and equipment.

To have and to hold unto Grantee, its legal representatives, successors and assigns, forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, legal representatives, successors and assigns to warrant and forever defend all and singular the rights herein to Grantee, its legal representatives, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor, but not otherwise. This is an easement appurtenant and is a covenant running with the land.

Grantor may not construct or place any structures, devices, or obstacles in or on the Easement Area that may in Grantee's opinion constitute a hazard to the safe and reliable operation of the lines and appurtenances installed in the Easement Area or in the opinion of Grantee, a danger to Grantor or the general public.

Grantee acknowledges that the Easement Area and the Property are used by Grantor for a detention pond and drainage utility purposes, and accepts the Easement Area "AS-IS," and with a full understanding of Grantor's prior and continuing underlying uses.

Grantor warrants that Grantor is the legal owner of the Property and the undersigned has authority to grant this Easement and that the Property is free and clear of encumbrances except the following: Validly existing easements, liens, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property.

This written Easement represents the only agreement pertaining to said Easement.

The undersigned has executed this Easement to be effective as of the ____ day of _____, 20__.

CITY OF SAN MARCOS, TEXAS

By: _____

Title/Printed Name

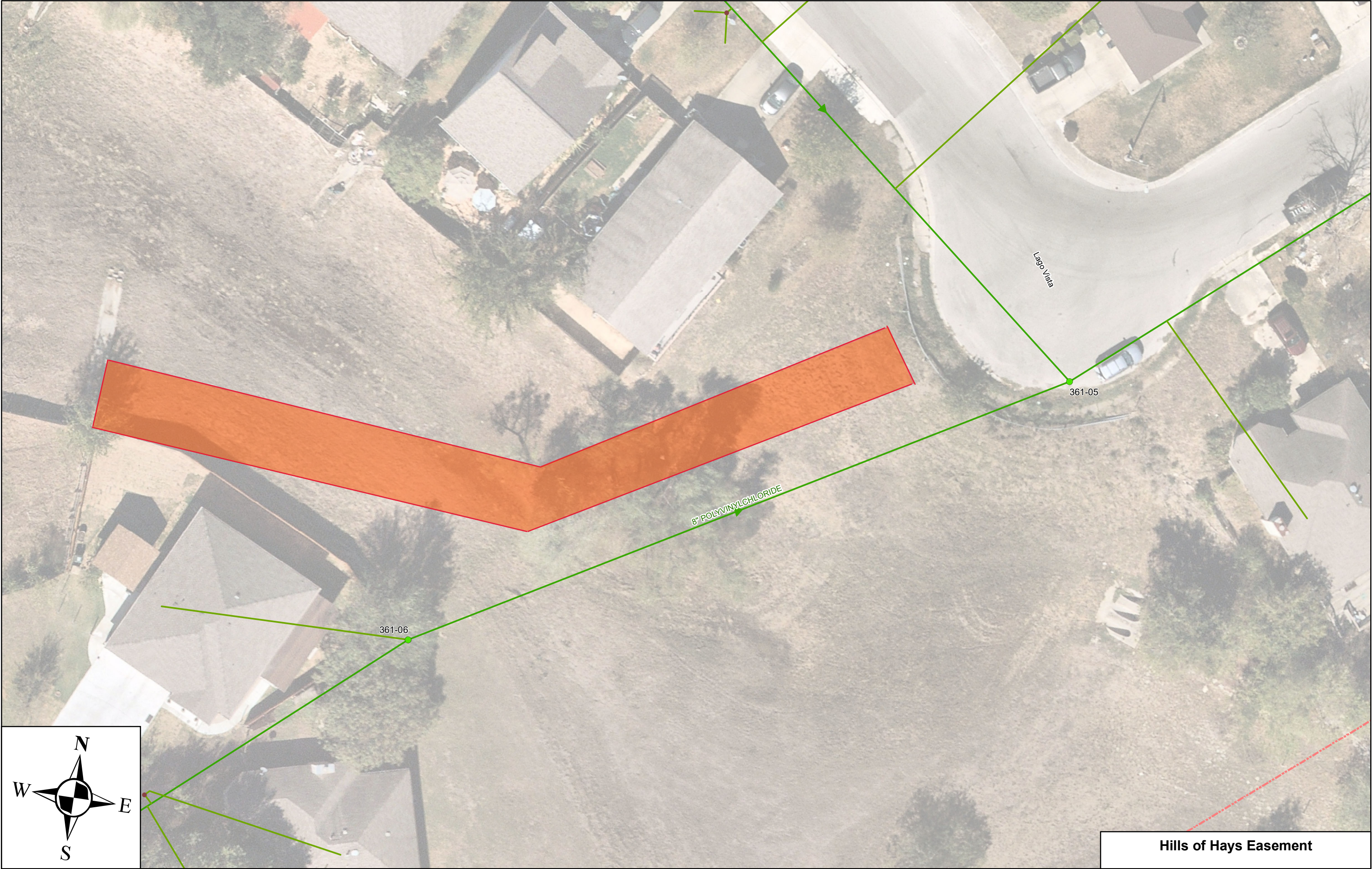
ATTEST:

STATE OF TEXAS
COUNTY OF HAYS

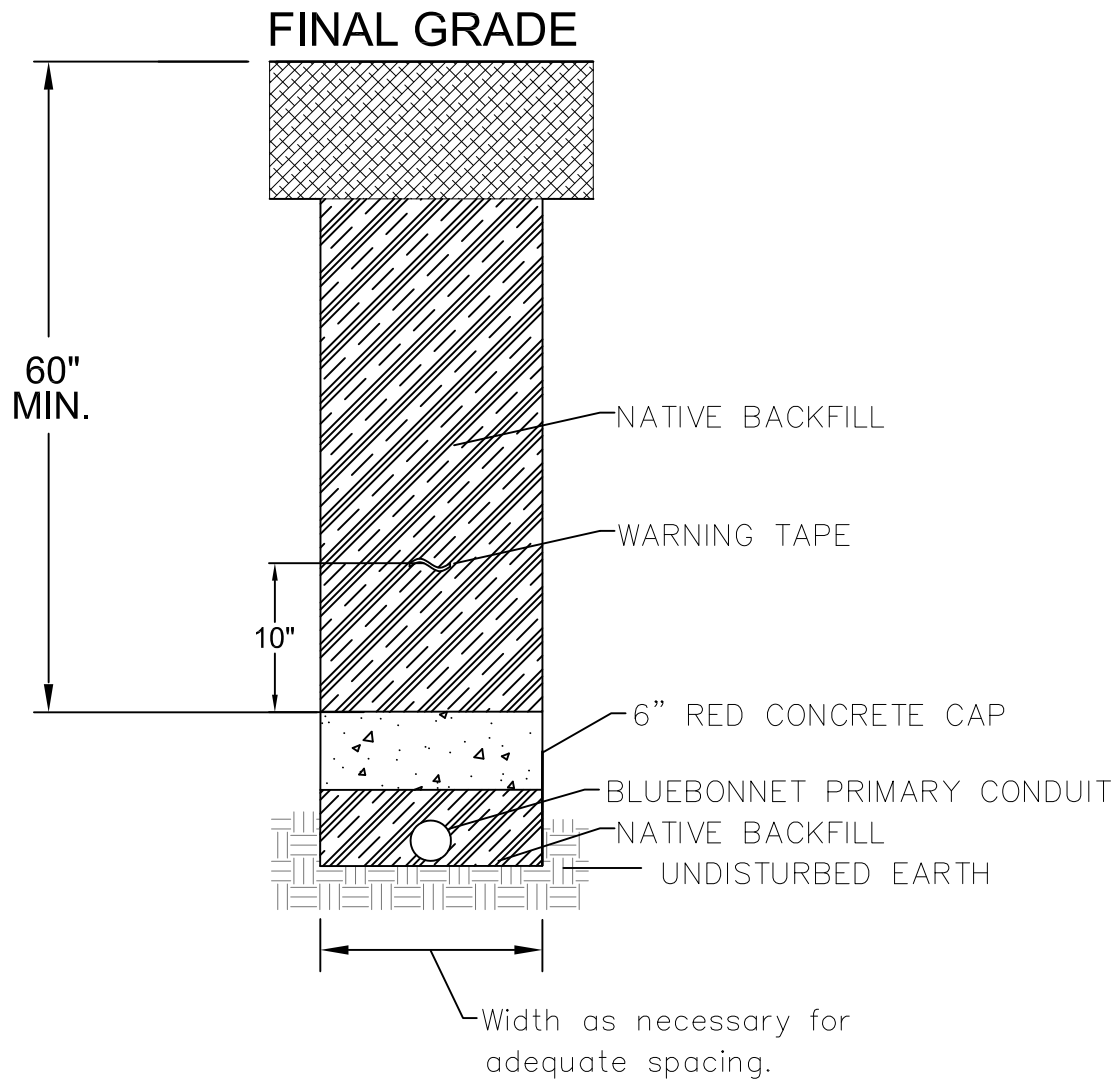
This instrument was acknowledged before me on the ____ day of _____, 2020, by _____, _____ of the CITY OF SAN MARCOS, TEXAS, a _____, on behalf of and as the act of the CITY OF SAN MARCOS, TEXAS.

Notary Public, State of Texas

After recording, please return to:
Bluebonnet Electric Cooperative, Inc.
3198 East Austin Street
Giddings, Texas 78942



BLUEBONNET ELECTRIC COOP HILLS OF HAYS DETENTION POND TRENCH INSTALLATION DETAIL



NOTES:

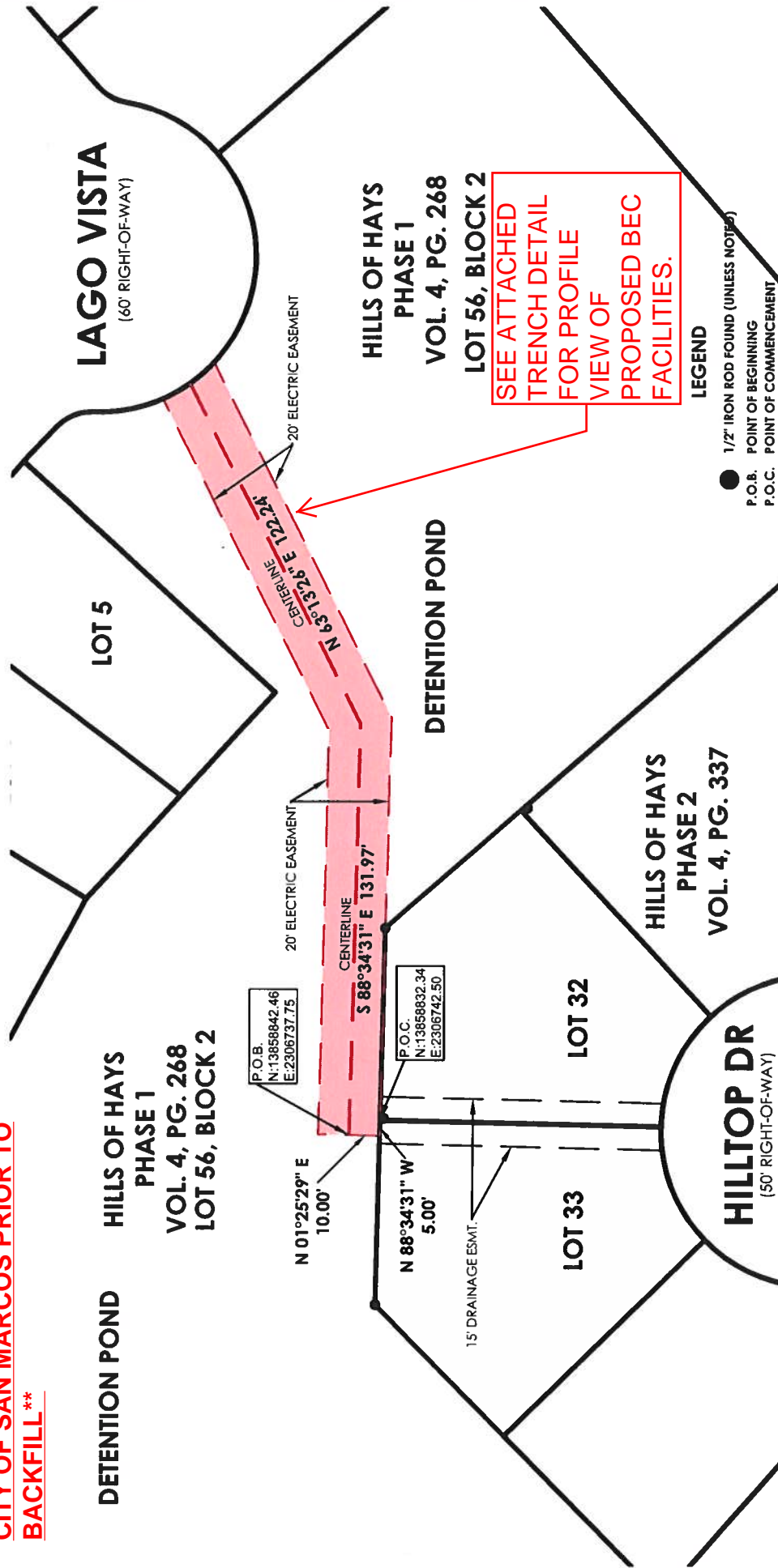
1. BEC TO USE OPEN TRENCH METHOD FOR CONDUIT INSTALLATION.
3. FINISHED GRADE WILL BE SET TO EXISTING ELEVATION AT THE START OF CONSTRUCTION.



Bluebonnet

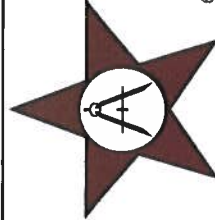
20' ELECTRIC EASEMENT

****OPEN TRENCH SHALL BE
INSPECTED AND APPROVED BY
CITY OF SAN MARCOS PRIOR TO
BACKFILL ****

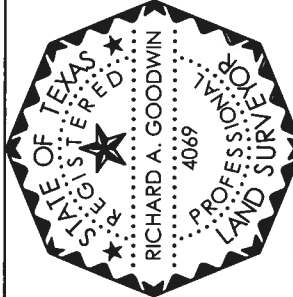


0 25 50 100

SCALE (FEET)



**SHERWOOD
SURVEYING & S.U.E.**
UTILITIES | RESIDENTIAL | COMMERCIAL | INDUSTRIAL
6477 FM 311, P.O. BOX 992 TERRELLS FIRM#10044200
SPRING BRANCH, TEXAS 78070
PHONE (830) 228-5788 FAX (830) 885-2170



SURVEYORS CERTIFICATE

I, RICHARD A. GOODWIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, REGISTRATION NUMBER 4069, HEREBY STATE THAT DURING THE MONTH OF NOVEMBER, 2019, A SURVEY OF THE REAL PROPERTY SHOWN HEREON WAS MADE UPON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

Richard A. Goodwin 12/4/19
DATE
RICHARD A. GOODWIN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4069

DATE: 12-3-19 DRAWN BY: JF PROJECT NO. 198BCOP002



FN NO.19BBCOP002

DECEMBER 4, 2019

**EXHIBIT A
FIELDNOTE NOTES
CENTERLINE DESCRIPTION
254.21 LINEAR FEET**

BEING A 254.21 LINEAR FEET CENTERLINE OUT OF LOT 56, BLOCK 2, HILLS OF HAYS SUBDIVISION, PHASE 1, ACCORDING TO A MAP OR PLAT RECORDED IN VOLUME 4, PAGE 268, MAP AND PLAT RECORDS, HAYS COUNTY, TEXAS, SAID CENTERLINE DESCRIPTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ½" IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 32, HILLS OF HAYS SUBDIVISION, PHASE 2, ACCORDING TO A MAP OR PLAT RECORDED IN VOLUME 4, PAGE 337, MAP AND PLAT RECORDS, HAYS COUNTY, TEXAS, SAME BEING THE NORTHEAST CORNER OF LOT 33, COMMON WITH THE SOUTHERLY LINE OF SAID LOT 56, HAVING GRID COORDINATES OF N: 13858832.34, E: 2306742.50.

THENCE, N 88°34'31" W, ALONG THE NORTHERLY LINE OF SAID LOT 33, A DISTANCE OF 5.00 FEET TO A POINT;

THENCE, INTO AND ACROSS SAID LOT 56, THE FOLLOWING COURSES:

N 01°25'29" E, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**, HAVING GRID COORDINATES OF N: 13858842.46, E" 2306737.75;

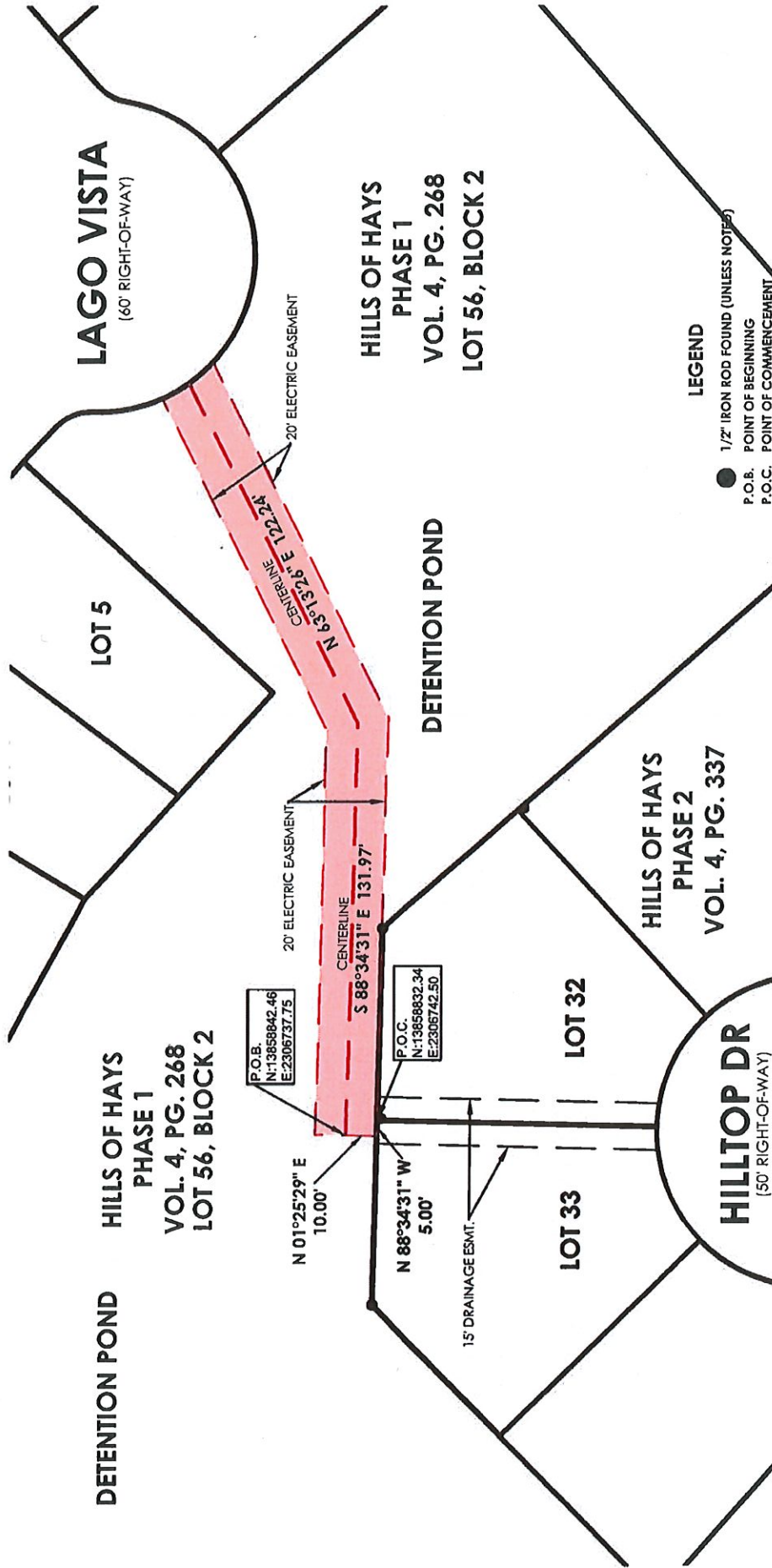
S 88°34'31" E, A DISTANCE OF 131.97 FEET TO A POINT;

N 63°13'26" E, A DISTANCE OF 122.24 FEET TO A POINT SITUATED ON THE SOUTHERLY CUL-DE-SAC RIGHT OF WAY LINE OF LAGO VISTA FOR THE END OF THIS CENTERLINE DESCRIPTION.

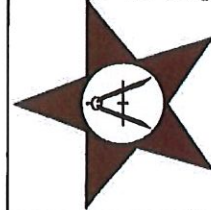


Bluebonnet

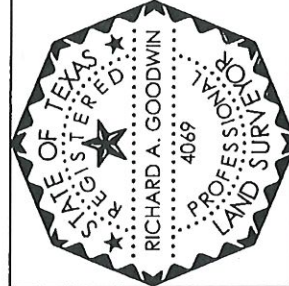
20' ELECTRIC EASEMENT



SCALE (FEET)



**SHERWOOD
SURVEYING & S.U.E.**
UTILITIES | RESIDENTIAL | COMMERCIAL | INDUSTRIAL
6477 FM 311, P.O. BOX 992, TBEPLS FIRM#10044200
SPRING BRANCH, TEXAS 76070
PHONE (830) 228-5788 FAX (830) 886-2170



SURVEYORS CERTIFICATE

I, RICHARD A. GOODWIN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, REGISTRATION NUMBER 4069, HEREBY STATE THAT DURING THE MONTH OF NOVEMBER, 2019, A SURVEY OF THE REAL PROPERTY SHOWN HEREON WAS MADE UPON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

Richard A. Goodwin 12/4/19
DATE

RICHARD A. GOODWIN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 4069

DATE: 12-3-19 DRAWN BY: JF PROJECT No. 19B8COP002



SHERWOOD
SURVEYING & S.U.E.

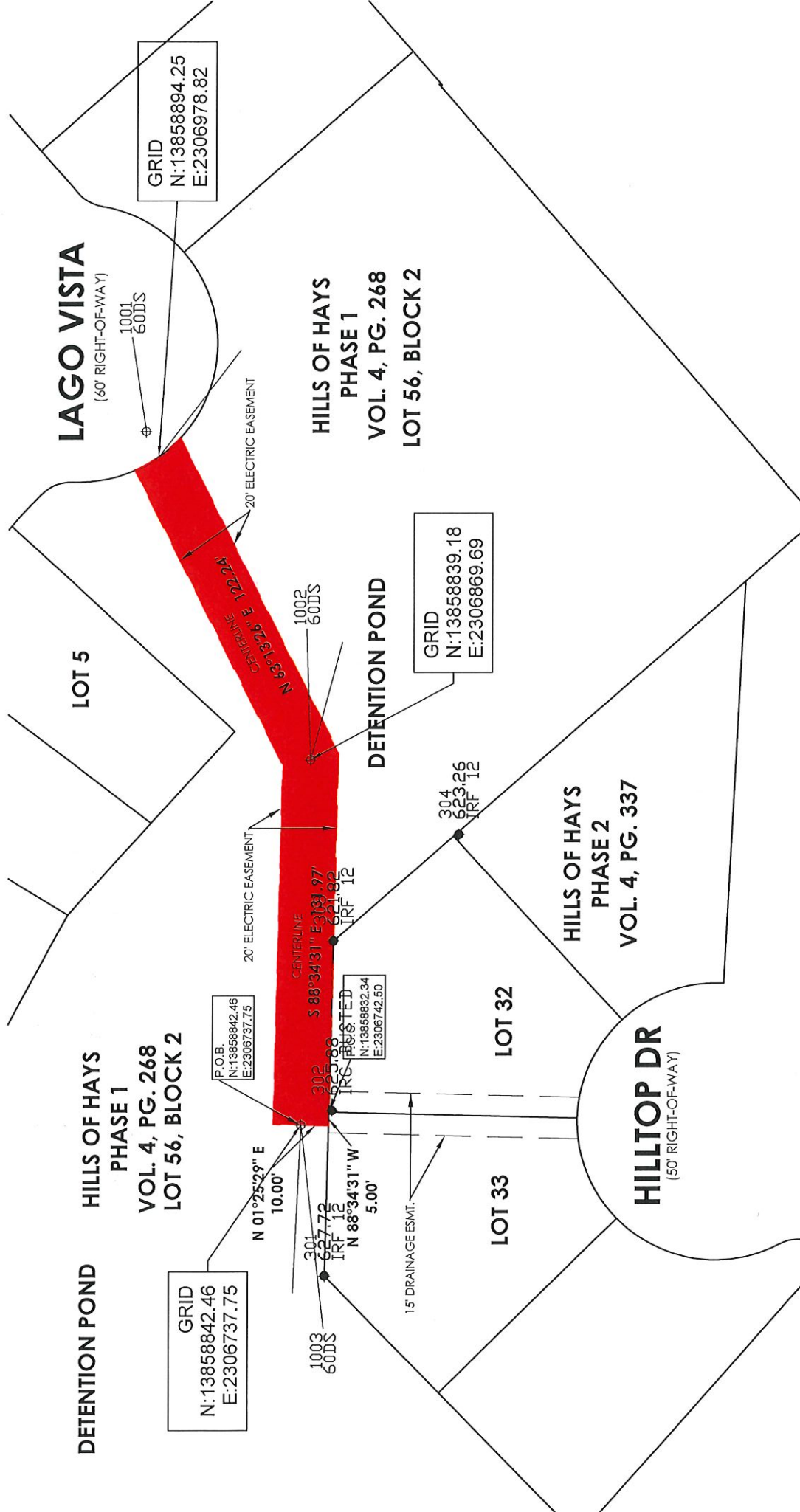
A SURVEY EXHIBIT WAS PREPARED ON THIS SAME DATE. BASIS OF BEARING IS NAD 83 TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE.

I, RICHARD A. GOODWIN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

SHERWOOD SURVEYING, LLC
P.O. BOX 970
SPRING BRANCH, TEXAS 78070
TBPELS FIRM #10044200

RA Goodwin 12/4/19
RICHARD A. GOODWIN DATE
R.P.L.S. #4069 STATE OF TEXAS





LAGO VISTA
(60' RIGHT-OF-WAY)

LOT 5

**HILLS OF HAYS
PHASE 1
VOL. 4, PG. 268
LOT 56, BLOCK 2**

DETENTION POND

**HILLS OF HAYS
PHASE 1
VOL. 4, PG. 268
LOT 56, BLOCK 2**

DETENTION POND

**HILLS OF HAYS
PHASE 2
VOL. 4, PG. 337**

HILLTOP DR
(50' RIGHT-OF-WAY)

GRID
N:13858894.25
E:2306978.82

1001
60DS

20' ELECTRIC EASEMENT

CENTERLINE
N 63°13'28" E 122.24'

1002
60DS

GRID
N:13858839.18
E:2306869.69

20' ELECTRIC EASEMENT

CENTERLINE
S 88°34'31" E 131.97'

621.82'
IRF 12

304
623.26'
IRF 12

P.O.B.
N:13858842.46
E:2306737.75

N 01°25'29" E
10.00'

GRID
N:13858842.46
E:2306737.75

1003
60DS

301
627.72'
IRF 12
N 88°34'31" W
5.00'

302
623.88'
IRF 12
N 88°34'31" W
5.00'

15' DRAINAGE ESMT.

LOT 32

LOT 33



Legislation Text

File #: Res. 2020-94R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-94R, approving a Change in Service to the agreement between the City and Knight Security Systems, LLC for the provision of professional high technology services, maintenance, and equipment related to security at the San Marcos Public Library in the estimated amount of \$130,023.82 through the Texas Comptroller of Public Account's Department of Information Resources Program ("DIR") (Contract DIR-TSO-3430); authorizing the City Manager or his designee to execute the appropriate purchasing documents on behalf of the City; and declaring an effective date.

Meeting date: May 5, 2020

Department: Information Technology Department - Mike Sturm, Director (by Lynda Williams, Purchasing Manager)

Amount & Source of Funding

Funds Required: \$130,023.82 for FY 2020

Account Number: 50036067-70200

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: February 21, 2017, Res. 2017-30R, Product and agreement approval; January 19, 2019, Res. 2019-019R, approval of contract renewal

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

[Choose an item.](#)

[Choose an item.](#)

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - [Choose an item.](#)

☐ Environment & Resource Protection - [Choose an item.](#)

☐ Land Use - [Choose an item.](#)

- ☐ Neighborhoods & Housing - Choose an item.
- ☒ Parks, Public Spaces & Facilities - Well maintained public facilities that meet needs of our community
- ☐ Transportation - Choose an item.
- ☐ Core Services
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The existing contract 218-058 with Knight Security Systems LLC is being amended to include work directly related to the San Marcos Public Library renovations. Knight Security Systems will provide and install access control system upgrades, including a new controller and licenses, forty access-controlled doors and adding nine cameras to the customer's existing Video Management system. Servers will also be provided control the added hardware. System installation includes hardware, system licenses, and configuration unless otherwise stated.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends approval of Authorization of Change in Service to Knight Security Systems contract in the amount of \$130,023.82.

RESOLUTION NO. 2020-94R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A CHANGE IN SERVICE TO THE AGREEMENT BETWEEN THE CITY AND KNIGHT SECURITY SYSTEMS, LLC FOR THE PROVISION OF PROFESSIONAL HIGH TECHNOLOGY SERVICES, MAINTENANCE, AND EQUIPMENT RELATED TO SECURITY AT THE SAN MARCOS PUBLIC LIBRARY IN THE ESTIMATED AMOUNT OF \$130,023.82 THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNT'S DEPARTMENT OF INFORMATION RESOURCES PROGRAM ("DIR") (CONTRACT DIR-TSO-3430); AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE APPROPRIATE PURCHASING DOCUMENTS ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. A Change in Service to the Agreement between the City of San Marcos ("City") and Knight Security Systems, LLC for the provision of professional high technology services, maintenance, and equipment related to security at the San Marcos Public Library in the estimated amount of \$130,023.82 through the Texas Comptroller of Public Account's Department of Information Resources Program ("DIR") (Contract DIR-TSO-3430) is approved.

PART 2. The City Manager or his designee is authorized to execute all necessary documents to effectuate this Agreement on behalf of the City.

PART 3. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on May 5, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

EXHIBIT B
AUTHORIZATION OF CHANGE IN SERVICE

CONTRACT NUMBER / CONTRACT NAME:	218-058 Knight Security Maintenance	
CITY REPRESENTATIVE:	Denise Pfeil, Information Technology	
CONTRACTOR:	Knight Security System LLC	
CONTRACT EFFECTIVE DATE:	November 11, 2017	
THIS AUTHORIZATION DATE:	May 5, 2020	AUTHORIZATION NO.: 23

DESCRIPTION OF WORK TO BE ADDED TO OR DELETED FROM SCOPE OF SERVICES:

The existing contract 218-058 with Knight Security Systems LLC is amended to include work directly related to the San Marcos Public Library renovations. Knight Security Systems will provide and install S2 access control system upgrades, including a new controller and licenses, forty access-controlled doors and adding nine cameras to the customer's existing Milestone Video Management system. Servers will also be provided control the added hardware. System installation includes hardware, system licenses, and configuration unless otherwise stated.

This proposal will follow the guidelines stated in DIR contract number DIR-TSO-3430 Standard Terms and Conditions.

Original Contract Amount:		\$ 34,616.17
Previous Increases/Decreases in Contact Amount:		\$ 224,355.22
This Increase/Decrease in Contract Amount:		\$ 130,023.82
Revised Contract Amount:		\$ 354,379.04

CONTRACTOR:

Signature

Date

Kevin Garlick / Sales Rep

Print Full Name / Title (if not in individual capacity)

CITY:

Signature

Date

Bert Lumbreras

Print Name

City Manager

Title

City Department Use Only Below This Line (PM, etc.).

Account Number(s):	Amount	Date
# G106_general_itequip 50036067-70200	\$ 130,023.82	04/07/2020
#	\$	
#	\$	



Legislation Text

File #: Res. 2020-95R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-95R, approving an agreement with SHI Government Solutions for the renewal of an antivirus software license and maintenance agreement for a three-year period through the BuyBoard Cooperative Purchasing Program in the amount of \$54,537.00; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.

Meeting date: May 5, 2020

Department: Information Technology - Mike Sturm, Director (By Lynda Williams, Purchasing Manager)

Amount & Source of Funding

Funds Required: \$54,537.00

Account Number: 10001280-52395 (\$18,179), 22006335-52395 (\$18,179), 21006322-52395 (\$18,179)

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

- ☐ Core Services
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

This procurement is for a 3-year antivirus software license and maintenance agreement (220-194) with SHI Government Solutions through the purchasing cooperative BuyBoard for the period June 30, 2020 through June 29, 2023 in the amount of \$54,537.

The City of San Marcos is authorized by the Local Government Code, Chapter 271, to participate in cooperative purchasing programs. The ("BuyBoard") Cooperative Purchasing has awarded contract #579-19 for Technology Equipment, Products, Services and Software to SHI Government Solutions.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends a three-year contract award to SHI Government Solutions through the purchasing cooperative BuyBoard for the renewal of an antivirus software license and maintenance in the amount of \$54,537.

RESOLUTION NO. 2020-95R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, APPROVING AN AGREEMENT WITH SHI GOVERNMENT SOLUTIONS FOR THE RENEWAL OF AN ANTIVIRUS SOFTWARE LICENSE AND MAINTENANCE AGREEMENT FOR A THREE-YEAR PERIOD THROUGH THE TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE BUYBOARD IN THE AMOUNT OF \$54,537.00; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. A contract with SHI Government Solutions for the renewal of an antivirus software license and maintenance agreement for a three-year period through the Texas Local Government Purchasing Cooperative BuyBoard (Contract No. 220-194) in the amount of \$54,537.00 is approved.

PART 2. The City Manager or his designee is authorized to execute the appropriate purchasing documents on behalf of the City.

PART 3. This resolution shall be in full force and effect immediately from and after its passage.

ADOPTED on May 5, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk



Legislation Text

File #: Res. 2020-97R, **Version:** 1

AGENDA CAPTION:

Consider approval of Resolution 2020-97R, delaying action on an ordinance authorizing the issuance of City of San Marcos, Texas Combination Tax and Limited Revenue Certificates of Obligation in an amount not to exceed \$50,500,000; and other matters related thereto.

Meeting date: May 5, 2020

Department: Finance

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: Authorization to publish notice of intent to issue certificates of obligation was approved by council on March 17, 2020 in the amount not to exceed \$50.5M

City Council Strategic Initiative: [\[Please select from the dropdown menu below\]](#)

[Choose an item.](#)

[Choose an item.](#)

[Choose an item.](#)

Comprehensive Plan Element (s): [\[Please select the Plan element\(s\) and Goal # from dropdown menu below\]](#)

☐ Economic Development - [Choose an item.](#)

☐ Environment & Resource Protection - [Choose an item.](#)

☐ Land Use - [Choose an item.](#)

☐ Neighborhoods & Housing - [Choose an item.](#)

☐ Parks, Public Spaces & Facilities - [Choose an item.](#)

☐ Transportation - [Choose an item.](#)

- ☐ Core Services
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Notice of intention to issue certificates of obligation was published in the San Marcos Daily Record on March 20th and 27th, and posted to the COSM website with the meeting date referenced as May 5, 2020 at 6pm. A delay resolution is required to provide notice to the public the meeting has now been moved to May 19, 2020. The published notice was for issuance of certificates of obligations in the principal amount not to exceed \$50.5M. During the April 21, 2020 council Worksession the total debt amount approved by council was reduced to \$33M.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of San Marcos, Texas (the "City"), at its meeting to commence at 6:00 P.M. on May 5, 2020 (the "meeting"), at its regular meeting place in the City Hall, 630 East Hopkins, San Marcos, Texas, tentatively proposes to authorize the issuance of one or more series of interest bearing certificates of obligation of the City, in the total aggregate principal amount not to exceed \$50,500,000, for the public purpose of paying contractual obligations incurred or to be incurred for constructing, improving, designing, acquiring and equipping the City's (1) water and waste water system; (2) electric utility system; (3) streets including related drainage, sidewalks, traffic improvements and lighting; (4) municipal buildings to include the city hall and other city facilities, HVAC improvements, roof replacements and security improvements; (5) stormwater management and flood control facilities; (6) airport, including hangars; (7) public safety facilities to include police and fire station improvements and a new ladder truck and engine; (8) network and fiber optic infrastructure equipment; (9) recreational facilities including parks and sports fields; (10) cemetery including land acquisition; (11) animal shelter; (12) parking including land acquisition; and (13) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuing the certificates of obligation and other matters related thereto. The City presently proposes to provide for the payment of the certificates of obligation by the levy of ad valorem taxes, within the limits prescribed by law. The certificates of obligation will be additionally payable from a limited pledge of surplus revenues of the City's water and waste water system not to exceed \$1,000.

The following information is required pursuant to Texas Local Government Code, Section 271.049(b)(4) to be provided by the City (excludes \$215,180,000 in principal amount of outstanding debt obligations that the City has designated as self-supporting and which the City reasonably expects to pay from revenues sources other than ad valorem taxes; provided, however, that in the event that such self-supporting revenue sources are insufficient to pay debt service, the City is obligated to levy ad valorem taxes to pay such debt obligations): As of March 17, 2020 principal of all outstanding debt obligations of the City is \$106,350,000. As of March 17, 2020 combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$36,395,693.64. The maximum principal amount of the Certificates to be authorized is \$50,500,000. The estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$77,110,315.28. The estimated interest rate for the Certificates to be authorized is 3.50%. Such estimates take into account a number of factors, including the issuance schedule, maturity schedule and the expected ratings of the proposed Certificates. Such estimated maximum interest rates is provided as a matter of information, but is not a limitation on the interest rate at which the Certificates, or any series thereof, may be sold. The maximum maturity date of the Certificates to be authorized is August 15, 2045. More information on the specific debt obligations that the City has designated as self-supporting is available upon request to the City at the address noted above.



Legislation Text

File #: Ord. 2020-26, **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-26, amending the City's 2019-2020 fiscal year budget to allocate \$50,000 from the Asset Forfeiture Fund to augment the city's Employee Assistance Program by providing wellness resources for employees of the San Marcos Police Department and the San Marcos Fire Department; providing for the adoption of this Ordinance on only one reading as an emergency measure; and declaring an effective date.

Meeting date: May 5, 2020

Department: Finance

Amount & Source of Funding

Funds Required: \$50,000

Account Number: 12055230.52230

Funds Available: \$134,462.22

Account Name: Seized Assets-Disbursements - Professional Services

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

During the past two and a half years, the employees of the City of San Marcos Police Department and the City of San Marcos Fire Department have been exposed to a great deal of work-related trauma including the loss of life and significant critical injuries in the line of duty. Emotional wellness services are a critical part of any employee wellness program and are needed to support the employees of these departments who are on the front lines and experience so much emotional trauma during the course of their careers. The use of seized asset funds (property seized that was used in the commission of a crime) for emotional wellness support is an allowable use of funds through the Asset Forfeiture Program authorized by Chapter 59 of the Texas Code of Criminal Procedure. Funding is available in the account to support the \$50,000 proposed for the budget amendment. This funding will be used to fund approximately 18 months of a pilot program that could, if successful, be considered for funding as part of the regular process in the future.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Staff recommends passing the budget amendment ordinance to appropriate funding for the use of emotional wellness services for SMPD officers and employees.

ORDINANCE NO. 2020-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE CITY'S 2019-2020 FISCAL YEAR BUDGET TO ALLOCATE \$50,000.00 FROM THE ASSET FORFEITURE FUND TO AUGMENT THE CITY'S EMPLOYEE ASSISTANCE PROGRAM BY PROVIDING WELLNESS RESOURCES FOR EMPLOYEES OF THE SAN MARCOS POLICE DEPARTMENT AND SAN MARCOS FIRE DEPARTMENT; PROVIDING FOR THE ADOPTION OF THIS ORDINANCE ON ONLY ONE READING AS AN EMERGENCY MEASURE; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

In accordance with Section 8.16 of the City Charter, the City Council declares that a public necessity exists that requires an amendment to the City's 2019-2020 Fiscal Year Budget.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The City's Budget Ordinance for the 2019-2020 Fiscal Year is amended as set forth in the attached Exhibit A, to allocate \$50,000.00 from the Asset Forfeiture Fund to provide wellness resources for city employees in the police department and fire department through the City's Employee Assistance Program.

SECTION 2. These revisions will be incorporated into the 2019-2020 Fiscal Year City Budget.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. The importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at two separate meetings are waived, and this ordinance will take effect upon adoption with only one reading.

PASSED, APPROVED AND ADOPTED as an emergency measure on only one reading on May 5, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney

EXHIBIT A

Asset Forfeiture Fund

Available Fund Balance	10/1/2019	\$134,462.22
Use of Fund Balance	5/5/2020	50,000
Estimated Available Fund Balance	9/30/2020	\$ 84,462.22



Legislation Text

File #: Ord. 2020-27, **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-27, on the first of two readings, amending Article 6, Divisions 1 and 2 of Chapter 2 of the San Marcos City Code to revise and update the City's public records management program; including procedural provisions; and declaring an effective date.

Meeting date: May 5, 2020

Department: City Clerk

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The City Clerk's staff has reviewed Ordinance 2007-30 adopted on May 15, 2007. The staff has determined that the ordinance needs to be updated in the City Code to reflect modern practice and continue to be in full compliance with the rules and regulations set by the Texas State Library and Archives Commission.

The Texas Local Government Records Act ("Act") was first enacted by the Texas Legislature in 1989. Enacted with the same legislation in 1989 was the authority of the Texas State Library and Archives Commission ("State Library") to participate in the preservation and management of local governmental records. The essence of the Act is its requirement that every local government have a records management program, designate a records management officer, and observe the time periods within which records must be retained pursuant to a retention schedule adopted under the regulatory authority of the State Library.

The Act defines the broad duty of a city council to: (1) establish, promote, and support an active and continuing program for the efficiency and economical management of all local government records and (2) cause policies and procedures to be developed for the administration of the program under the direction of the records management officer.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

City staff recommends approval

ORDINANCE NO. 2020-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING ARTICLE 6, DIVISIONS 1 AND 2 OF CHAPTER 2 OF THE SAN MARCOS CITY CODE TO REVISE AND UPDATE THE CITY'S PUBLIC RECORDS MANAGEMENT PROGRAM; INCLUDING PROCEDURAL PROVISIONS; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. Title 6, Subtitle C, Texas Local Government Code (Local Government Records Act) provides that each municipality in the State must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer.

2. The City of San Marcos desires to amend its current ordinance to ensure the City's Records Management Program is consistent with any updated State laws and take into consideration recent technological advances such as the use of social media.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 2, Article 6, Division 2, Records Management, of the San Marcos City Code is amended as follows (underlining indicates added text, strikethrough indicates deleted text):

SEC. 2.501. DEFINITIONS

In this division:

City records means all documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic, created or received by the City or any of its officers or employees pursuant to law or in the transaction of public business, whether public access to the records is open or restricted under state law. These shall be created, maintained and disposed of in accordance with this division or procedures authorized by this division and in no other manner.

Department Director ~~head~~ means the officer or employee who is in charge of a department. ~~who, by ordinance, order or administrative policy, is in charge of an administrative unit of the City that creates or receives records.~~

Digital means when used in reference to a record, means the record is maintained in an electronic data format that requires an electronic device to create, store, access, retrieve, or read the record.

Employee means a person employed by the City.

Essential record means any City record necessary to the resumption or continuation of City operations in an emergency or disaster, to the re-creation of the legal and financial status of the City, or to the protection and fulfillment of obligations to the people of the state.

Local Government Records Act means Title 6. Records, Subtitle C. Records Provisions Applying to More Than One Type of Local Government, of the Texas Local Government Code.

Official means the Mayor, a member of the City Council, and a person appointed by the Mayor or the City Council board/commission, task force, or another City body.

Permanent record means any City record for which the retention period on a records control schedule is given as permanent.

Physical record means that the record is maintained in a tangible form, such as paper, photographic film, analog tape, or similar medium.

Record means a local government record of the City, and includes a digital record and/or a physical record.

Records control schedule means a document prepared by or under the authority of the records management officer listing the records maintained by the City, their retention periods and other records disposition information, which the records management program may require.

Records Disposition means the destruction of a City record that has passed its minimum legal retention period and no longer has value to the City.

~~*Records liaison officers* means the persons designated under section 2.509.~~

Records Inventory means the process of locating, identifying and describing in detail the records of a department.

Records Management means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of record control schedules; the management of filing and information retrieval systems; the protection of essential and permanent records; the economical and space-effective storage of inactive records;

control over the creation and distribution of forms, reports and correspondence; and the management of micrographics and electronic and other records storage systems.

~~*Records management committee* means the committee established in section 2.505.~~

~~*Records management officer* means the person designated in section 2.504.~~

~~*Records management plan* means the plan developed under section 2.506.~~

Retention Period means the minimum time that must pass after the creation, recording or receipt of a record or the fulfillment of certain actions associated with a record before it is eligible for destruction.

Sec. 2.502. ~~City records declared public property~~ Applicability.

~~All City records as defined in section 2.501 are declared to be City property. No City official or employee has, by virtue of his position, any personal or property right to City records, even though the official or employee may have developed or compiled them. The unauthorized destruction, removal from files or use of these records is prohibited.~~

(a) Each City official and employee shall comply with the City of San Marcos Records Management Program adopted under this chapter and the Texas Local Government Records Act.

(b) This chapter, the records management program, and the records control schedules apply to all records in whatever form the records exist, including all digital records and all physical records.

Sec. 2.503. Policy.

It is the policy of the City to provide for efficient, economical and effective controls over the creation, distribution, organization, maintenance, use and disposition of all City records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act, V.T.C.A., Local Government Code, § 201.001 et seq., and accepted records management practice.

Sec. 2.504. Designation of records management officer.

Pursuant to Texas Local Government Code §203.025, the City Clerk, and successive holders of that office, will serve as the records management officer for the City. Each successive holder of the office shall file ~~his~~ their name with the

director and librarian of the state library within 30 days of the initial designation or of taking up the office, as applicable.

Sec. 2.505. Records Management Committee Duties of records management officer.

~~A records management committee consisting of the City manager, City attorney, director of finance, City clerk, and the chief of police is established. The committee shall:~~

~~(1) — Assist the records management officer in the development of policies and procedures governing the records management program;~~

~~(2) — Review the performance of the program on a regular basis and propose changes and improvements if needed;~~

~~(3) — Review and approve records control schedules submitted by the records management officer;~~

~~(4) — Give final approval to the destruction of records in accordance with approved records control schedules; and~~

~~(5) — Actively support and promote the records management program throughout the City.~~

In addition to other duties assigned in this division, the records management officer will:

(1) Administer the records management program and provide assistance to department directors in its implementation;

(2) Plan, formulate and prescribe records disposition policies, systems, standards and procedures;

(3) In cooperation with department directors, identify essential records and establish a disaster plan for each City office and department to ensure maximum availability of the records in order to reestablish operations quickly and with minimum disruption and expense;

(4) Develop procedures to ensure the permanent preservation of the historically valuable City records;

(5) Establish standards for filing and storage equipment and for recordkeeping supplies;

- (6) Provide records management advice and assistance to all City departments by preparation of a manual of procedure and policy and by on-site consultation;
- (7) Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the City's records control schedules are in compliance with state regulations;
- (8) Disseminate to the City Council and department directors information concerning state laws and administrative rules relating to local government records;
- (9) Instruct records liaison officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;
- (10) Direct records liaison officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this division;
- (11) Ensure that the maintenance, preservation, destruction or other disposition of the City is carried out in accordance with the policies and procedures of the record management program and the requirements of state law;
- (12) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records ~~microfilmed and~~ stored electronically, and the estimated cost and space savings as the result of such disposal or disposition.

Sec. 2.506. Records management committee.

- (a) The members of the records management committee are:
 - (1) City Clerk;
 - (2) City Manager;
 - (3) City Attorney;
 - (4) Director of Finance; and
 - (5) Chief of Police.

(b) The duties and responsibilities of the committee are to give final approval to the destruction of records in accordance with approved records control schedules, and actively support and promote the records management program throughout the City.

Sec. ~~2.506~~ 2.507. Records management plan.

~~(a) The records management officer and the records management committee shall develop a records management plan for the City. for submission to the City Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential City records and to properly preserve those City records that are of historical value. The plan must be designed to enable the records management officer to effectively carry out the duties prescribed by state law and this division.~~

~~(b) Once approved by the City council, the records management plan is binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees or similar City entities, and records will be created, maintained, stored, microfilmed or disposed of in accordance with the plan. The records management plan shall:~~

- (1) comply with the Texas Local Government Records Act;
- (2) adequately protect the essential records of the City;
- (3) properly preserve those records of the City that are of historical value;
- (4) establish guidelines for the implementation of records control schedules;
- (5) establish training requirements for department records liaison(s);
- (6) provide for the proper maintenance, preservation and storage of the electronic records of the City;
- (7) establish guidelines for the proper destruction of records, including a description of the information that must be maintained in a destruction log;
- (8) contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping;
- (9) establish procedures for transferring records to an electronic or digital format, including guidelines for the disposition of records that have been transferred; and

(10) establish criteria for the use of the records center serving as the depository of inactive records with continuing value to the City.

~~(c) — State law relating to the duties, other responsibilities or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this division and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program.~~

Sec. 2.507. — Duties of records management officer.

~~In addition to other duties assigned in this division, the records management officer will:~~

- ~~(1) — Administer the records management program and provide assistance to department heads in its implementation;~~
- ~~(2) — Plan, formulate and prescribe records disposition policies, systems, standards and procedures;~~
- ~~(3) — In cooperation with department heads, identify essential records and establish a disaster plan for each City office and department to ensure maximum availability of the records in order to reestablish operations quickly and with minimum disruption and expense;~~
- ~~(4) — Develop procedures to ensure the permanent preservation of the historically valuable City records;~~
- ~~(5) — Establish standards for filing and storage equipment and for recordkeeping supplies;~~
- ~~(6) — Provide records management advice and assistance to all City departments by preparation of a manual of procedure and policy and by on-site consultation;~~
- ~~(7) — Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the City's records control schedules are in compliance with state regulations;~~
- ~~(8) — Disseminate to the City council and department heads information concerning state laws and administrative rules relating to local government records;~~

- ~~(9) — Instruct records liaison officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;~~
- ~~(10) — Direct records liaison officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this division;~~
- ~~(11) — Ensure that the maintenance, preservation, microfilming, destruction or other disposition of the City is carried out in accordance with the policies and procedures of the record management program and the requirements of state law;~~
- ~~(12) — Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed and stored electronically, and the estimated cost and space savings as the result of such disposal or disposition.~~

Sec. 2.508. Duties of city councilmembers.

(a) Members of the City Council shall comply with all requirements of this ordinance as well as state law governing the management of City records.

(b) Members of the City Council shall respond promptly to requests for information received by the City pursuant to the Texas Public Information Act by providing any records requested that are in their possession. Any responsive information shall be delivered to the City's Clerk's Office for processing. Information that is subject to disclosure under the Texas Public Information Act may include text messages, emails, and social media posts related to City business even if the device that contains the information belongs to the individual member of City Council and not the City.

Sec. 2.508 2.509. Duties of and responsibilities department heads directors.

In addition to other duties assigned in this division, department heads directors will:

- (1) Cooperate with the records management officer in carrying out the policies and procedures established in the City for the efficient and economical management of records and in carrying out the requirements of this division; Cooperate with the records management officer in carrying out the policy and procedures established for the City of San Marcos. A department director may not refuse to comply with the requirements of this chapter based on

a City ordinance or policy relating to a duty, recordkeeping requirement, or other responsibility as a director.

- (2) Adequately document the transaction of government business and the services, programs and duties for which they and their staffs are responsible; and Assign a records liaison officer(s) to serve as the point of contact for the records management program. A department director may serve as the department's records liaison officer.
- (3) Maintain the records in their care and carry out their preservation, microfilming, destruction or other disposition only in accordance with the policies and procedures of the City records management program and the requirements of this division. Ensure that transactions of City business are properly documented (including services, programs and duties for which the department director and his/her staff are responsible).
- (4) Review and sign destruction authorization forms for records that have met retention requirements.
- (5) Ensure that department staff follows the retention, storage and destruction requirements outlined in the Records Management Procedures.
- (6) Ensure that the department's record liaison officer(s) have sufficient time and resources to implement the records management program.
- (7) Comply with this chapter for records created by a City board, commission and any special task force for which the department provides support.

Sec. ~~2.509~~ 2.510. Duties of Records liaison officer(s) ~~Designated~~.

~~Each department head will designate a staff member to serve as records liaison officer for the implementation of the records management program in the department. If the records management officer determines that, in the best interests of the records management program, more than one records liaison officer should be designated for a department, the department head will designate the number of records liaison officers specified by the records management officer. Persons designated as records liaison officers will be thoroughly familiar with all the records created and maintained by the department and have full access to all records of the City maintained by the department. If the person designated as records liaison officer resigns, retires, is dismissed or is removed by action of the department head, the department head will promptly designate another person to fill the vacancy. A department head may serve as records liaison officer for his department.~~

(a) Each records liaison officer(s) shall:

- (1) be designated by the department director to implement the records management program in the department.
- (2) should be thoroughly familiar with, and have full access to, all records created and maintained by the department;
- (3) cooperate with the records management officer to implement the records management program in the department;
- (4) distribute information about the records management program to department staff;
- (5) ensure that the creation, storage, retention, destruction, disposition, security, and accessibility of the department's records are in compliance with the department's records management program and state law;
- (6) conducts or supervises the creation of record inventories for the department for the departmental records control schedule;
- (7) implement and review the department records control schedule to ensure that records are retained for the approved retention period;
- (8) responsible for transferring a physical record that is no longer required for the conduct of department business to the records center;
- (9) identify essential records of the department and establish, implement, and maintain a records disaster recovery plan; and
- (10) complete training(s) required by the records management program.

~~Sec. 2.510. Same Duties and responsibilities.~~

~~In addition to other duties assigned in this division, records liaison officers will:~~

- ~~(1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;~~
- ~~(2) In cooperation with the records management officer, coordinate and implement the policies and procedures of the records management program in their departments; and~~

- (3) — ~~Disseminate information to department staff concerning the records management program.~~

Sec. 2.511. Records control schedules — ~~Development; approval; filing with state.~~

(a) ~~The records management officer, in cooperation with department directors heads and records liaison officer(s), will prepare records control schedules on a department-by-department basis, that describe and establish the retention periods for all City records created or received by each department. listing all records created or received by each department and the retention period for each record. Records control schedules will also contain other information regarding the disposition of City records as the records management plan may require.~~

(b) ~~Each records control schedule shall be monitored as needed by the records management program administrator officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the City. Records control schedules will also contain other information regarding the disposition of City records as the records management plan may require. Every City record identified on a records control schedule, or any amendment to the schedule, or in any request for destruction of a record shall be specifically described.~~

(c) ~~Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head and the members of the records management committee. Any records control schedule, amendment to a schedule, or request for destruction of a record that contains general terms such as “miscellaneous” and “various” to describe any record identified in such a document will not be submitted to the records management officer for consideration.~~

(d) ~~Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian of the state library. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian. Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that the schedule is in compliance with records retention schedules issued by the state and that the schedule continues to reflect the record keeping procedures and needs of the department and the records management program of the City.~~

(e) ~~Before its adoption, a records control schedule or amended schedule for a department must be approved by the department director.~~

(f) A records control schedule shall be submitted by the records management officer to, and accepted for filing by, the director and the librarian of the Texas State Library, as provided by state law, before the schedule may be implemented.

**Sec. 2.512. ~~Implementation; destruction of records under schedule~~
Destruction or disposition of records.**

~~(a) Appropriate records control schedules issued by the Texas State Library and Archives Commission shall be adopted by the records management officer for use in the City, as provided by law. Any destruction of records of the City will be in accordance with these schedules and the Local Government Records Act. The records liaison officer shall notify the records management officer when a City record is eligible for destruction.~~

~~(b) A records control schedule for a department which has been approved and adopted under section 2.506, or 2.512(a), shall be implemented by department heads and records liaison officers according to the policies and procedures of the records management plan. Before a City record is destroyed under an approved records control schedule, the records management program administrator must obtain authorization for the destruction from the records management committee, unless the approved schedule specifies that the record may be destroyed without additional review or authority of the records management committee.~~

~~(c) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in writing to the records management committee that the record be retained for an additional period. A City record whose retention period has expired on an approved records control schedule must be destroyed unless:~~

- ~~(1) a request for the record is pending under the Texas Public Information Act, Tex. Government Code Chapter 552;~~
- ~~(2) the record is pertinent to pending litigation or audit; or~~
- ~~(3) a department director requests the City Clerk in writing and states the reason that the record be retained for an additional period, and the request is approved in writing by the City Clerk; or~~
- ~~(4) The records management officer determines that the record must be held pending review for historical value.~~

~~(d) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records~~

~~management officer from the records management committee. A City record that is obsolete or that has not been identified on an approved records control schedule may be destroyed if:~~

- ~~(1) its destruction has been approved in the same manner as a record destroyed under an approved schedule and~~
- ~~(2) the records management officer has submitted to and received back from the director and librarian of the state library an approved destruction authorization request.~~

~~Sec. 2.513. -- Destruction of unscheduled records.~~

~~A City record that has not been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian of the state library an approved destruction authorization request.~~

~~Sec. 2.51413. Records center.~~

~~A records center, developed pursuant to the plan required by section 2.506, shall be under the direct control and supervision of the City clerk. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under section 2.506. The records management officer will provide a facility for storage of inactive City records. The department that creates and maintains a record is the records custodian of that record and remains the custodian after the record is transferred to the records center for storage. The records management officer is responsible for developing procedures to ensure proper transfer and disposition.~~

- ~~(1) If a record is no longer needed in the transaction of current business the record liaison officer(s) and the records management officer will begin the paperwork to transfer the records to the records center.~~
- ~~(2) If the retention period has expired, the proper steps should be taken to destroy the records under Section 2.512.~~

~~Sec. 2.51415. Micrographics and electronic record retention programs. Management of digital records.~~

~~Unless a micrographics or electronic retention program in a department is specifically exempted by the City council, all microfilming or scanning for electronic retention of records will be centralized and under the direct supervision of the records management officer. The records management plan will establish policies and procedures for the microfilming or electronic retention of City records, including policies to ensure that all the microfilming or electronic retention of City~~

~~records is done in accordance with standards and procedures for the microfilming or electronic retention of local government records established in rules of the state library and archives commission. The plan will also establish criteria for determining the eligibility of records for microfilming or electronic retention and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost effectiveness, administrative efficiency and compliance with commission rules.~~The creation, maintenance, preservation, electronic document imaging, and storage of digital records, including the conversion of a physical record to a digital record, must comply with the records management plan, state law and the administrative rules of the Texas State Library and Archives Commission. The records management officer will review departmental plan for information technology systems and services for assistance in potential technology solutions to ensure that the systems and services create, store, manage, protect, preserve, destroy, and provide access to records in compliance with the records management program.

Sec 2.515. Ownership of records.

(a) Every City record is the property of the City. No City official or employee has, by virtue of their position, any personal or property right to City records, even though the official or employee may have developed or compiled them. Any record created or received by a City official or employee that relates to City business is a City record whether it is maintained on a device owned by the City or on a personal device.

(b) The unauthorized alteration, destruction, removal from files or use of these records is prohibited. A City record shall not be sold, loaned, given away or destroyed property.

(c) A City official or employee shall, at the end of the official's term or appointment or employee's employment, must deliver to the City all records in their possession.

(d) City contractor/vendor responsibilities:

(1) The City contractor/vendor will maintain any City records in compliance with this chapter.

(2) If a City contractor/vendor receives or creates a record due to fulfilling a contract, the record is the property of the City.

(3) The City contractor will comply in delivering the record in any media or format to the City at no cost when the contract is completed or terminated and/or if requested by the authorized City employee.

(4) The contractor may not dispose or destroy a record that is City property.

Sec.2.516. Criminal offense.

Pursuant to Texas Local Government Code §202.008, an officer or employee of the City commits a Class A misdemeanor if the officer or employee knowingly or intentionally violates the Texas Local Government Records Act or the rules adopted under the act by the Texas State Library and Archives, by destroying or alienating a local government record in contravention of the act or by intentionally failure to deliver records to a successor in office. A Class A misdemeanor is punishable by a fine of up to \$4,000 and up to one year in county jail.

Secs. 2.516~~7~~ - 2.540. - Reserved.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolution or parts of ordinances and resolutions in conflict with this Ordinance are repealed.

SECTION 5. This ordinance shall become effective upon adoption.

PASSED AND APPROVED ON FIRST READING on May 5, 2020.

PASSED, APPROVED and ADOPTED on May 19, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney



Legislation Text

File #: Ord. 2020-28, **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-28, on the first of two readings, amending Chapter 82, Traffic and Vehicles, of the San Marcos City Code, by adding a new Article 9 that prohibits the placement and use of Motor-Assisted Scooters owned by Commercial Scooter Companies on public property, streets and sidewalks; providing a savings clause; providing for the repeal of any conflicting provisions; providing for penalties; and providing an effective date.

Meeting date: May 5, 2020

Department: General Services / Legal

Amount & Source of Funding

Funds Required: Click or tap here to enter text.

Account Number: Click or tap here to enter text.

Funds Available: Click or tap here to enter text.

Account Name: Click or tap here to enter text.

Fiscal Note:

City Council Strategic Initiative: [Please select from the dropdown menu below]

Multi Modal Transportation

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☒ Transportation - Choose an item.

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

- Texas Transportation Code Chapter 551.352. (b) states: *“a county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.”*
- During the Council work session on April 2, 2019, the City Council (7-0) directed staff to draft an ordinance prohibiting the use of a motor-assisted scooter in the public right-of-way, including sidewalks and streets
- On December 17, 2019, Council approved the first reading of an ordinance prohibiting the use of motor-assisted scooters in the public right-of-way, including sidewalks and streets, and provided direction for staff as follows:
 - Add a delayed enforcement period to the ordinance
 - conduct a public outreach campaign
 - Reduce the maximum fine for violations of the ordinance from \$500 to \$25 for private use
- On January 7, 2020, during consideration of the (amended per direction above) ordinance on second reading, the City Council postponed this item.
- On March 24, 2020 a Work Session was held and Council provided direction to staff to bring an Ordinance forward that includes the following elements:
 - Prohibits Commercial Scooter Dumping or use
 - Allow Private Scooter ownership and use
 - Considers a future pilot program

The attached ordinance:

- Prohibits the placement, abandonment or use of motor-assisted scooters owned by commercial scooter companies on public property, streets and sidewalks;
- Establishes the City’s impoundment authority and penalties for illegal motor-assisted scooters;
- Remains silent on privately-owned scooters and use;
- Makes an exception for commercial scooters provided under a city-approved pilot program
- Requires two (2) readings
- Takes effect after second reading approval and publication

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

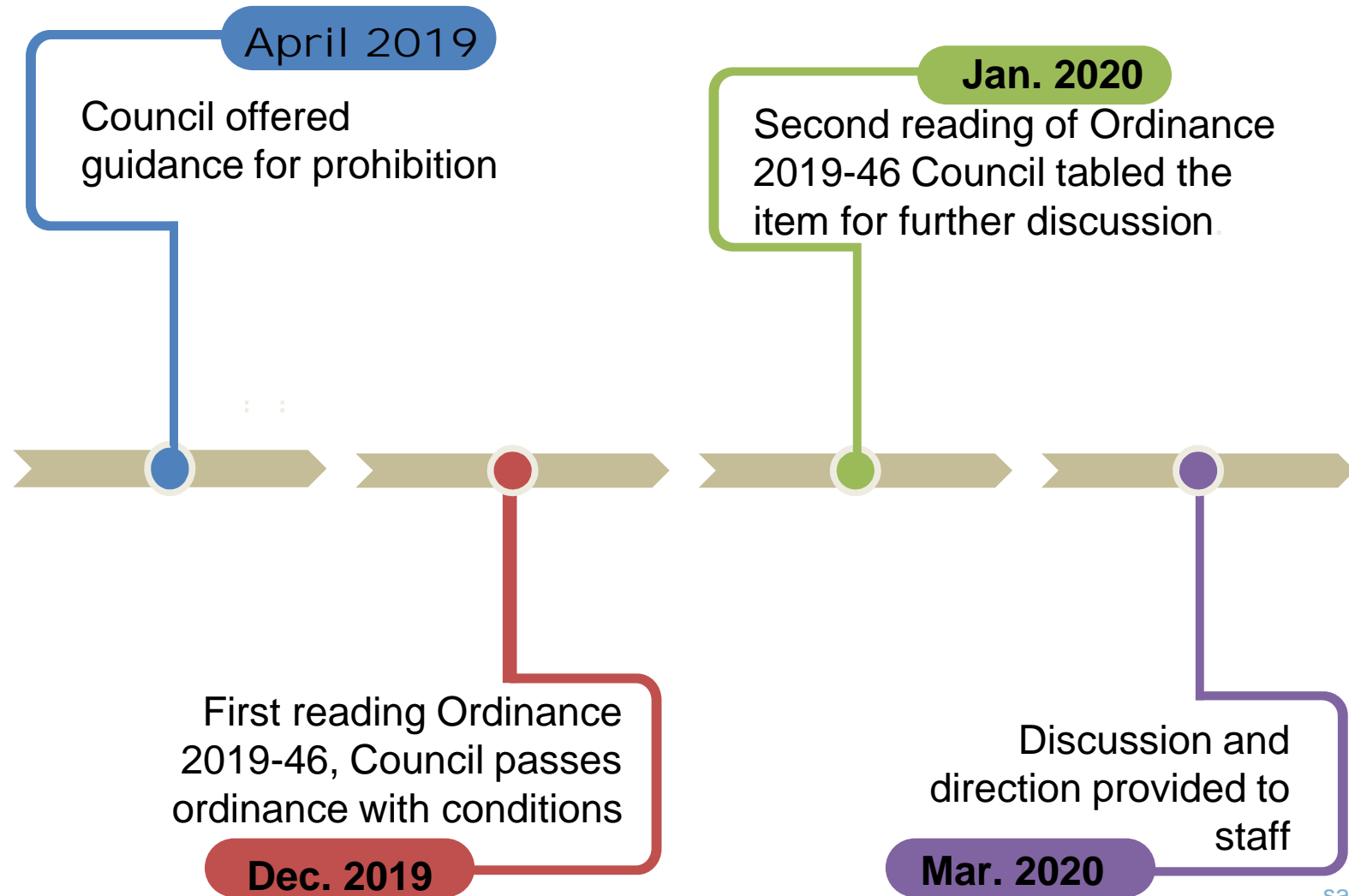
Staff recommends approval of the ordinance.

City of San Marcos

Prohibition of Commercial Motor-Assisted Scooters

May 5, 2020

COSM Motor Assisted Scooter History



Ordinance Purpose

- To protect the public health, welfare and safety
- Prohibit scooter companies from deploying scooters on public property (Fine up to \$2,000)
- Prohibit the public from using scooters owned by scooter companies (Fine up to \$100)
- Allow for impoundment of scooters found on public property
 - Provides an impoundment fee of \$50 per day for each scooter
- Take effect upon Council passage of second reading (May 19) and publication

Ordinance Does Not

- Prohibit private scooters or use of such scooters
- Apply to any City-approved pilot program(s)

Questions & Answer

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 82, TRAFFIC AND VEHICLES, OF THE SAN MARCOS CITY CODE, BY ADDING A NEW ARTICLE 9 THAT PROHIBITS THE PLACEMENT AND USE OF MOTOR-ASSISTED SCOOTERS OWNED BY COMMERCIAL SCOOTER COMPANIES ON PUBLIC PROPERTY, STREETS AND SIDEWALKS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

The City Council hereby finds and determines that the adoption of this ordinance is in the interest of the public health, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The Recitals are incorporated into this ordinance by reference as findings of fact for all purposes.

SECTION 2. Chapter 82, Traffic and Vehicles, of the San Marcos City Code, is amended by adding a new Article 9, Motor-Assisted Scooters, as set forth below. Added text is indicated by underlining.

ARTICLE 9. MOTOR-ASSISTED SCOOTERS OWNED OR OPERATED BY SCOOTER COMPANIES.

Sec. 82.295. Purpose.

This article is established to enhance public safety by restricting the widescale placement and use of motor-assisted scooters owned by scooter companies within certain public areas of the city and on city-owned property.

Sec. 82.296. Applicability.

This article does not apply to:

(1) a moped or motorcycle;

(2) a motor-assisted bicycle;

(3) a motorized mobility device designed for transportation of persons with physical disabilities as defined under Section 552A.0101 of the Texas Transportation Code; or

(4) a motor-assisted scooter authorized under a pilot program approved by the city.

Sec. 82.297. Definitions.

Impoundment or *impound* as used in this article means removal by the city of a motor-assisted scooter to a temporary storage location or designated impound facility.

Motor-assisted scooter means a self-propelled device with at least two wheels in contact with the ground during operation, a braking system capable of stopping the device under typical operating conditions; a gas or electric motor not exceeding 40 cubic centimeters; a deck designed to allow a person to stand or sit while operating the device; and the ability to be propelled by human power alone.

Scooter company means any person, business organization or entity that operates a scooter sharing business or service by which motor-assisted scooters are made available to the public for short-term use or rental.

Sec. 82.298. Offenses.

(a) *Placement on public property prohibited.* It is an offense for any scooter company, or any employee, contractor, agent or other representative acting on behalf of a scooter company, to abandon, place, or leave behind any motor-assisted scooter on any public property, public park (including natural areas and open spaces), public sidewalk, public way, public street, or public highway within the city, or on any city-owned property located outside the corporate limits of the city. A violation of this subsection is a misdemeanor offense punishable by a fine up to \$2,000.00.

(b) *Use prohibited.* It is an offense for any person to operate a motor-assisted scooter that is owned, controlled, or managed by, or on behalf of, a scooter company on any public property, public park (including natural areas and open spaces), public sidewalk, public way, public street, or public highway within the city, or on any city-owned property located outside the corporate limits of the city. A violation of this subsection is a misdemeanor offense punishable by a fine up to \$100.00.

(c) Each violation under this section constitutes a separate offense.

Sec. 82.299. Impoundment.

(a) The city may impound any motor-assisted scooter owned, controlled, or managed by, or on behalf of, a scooter company found unattended on any public property, public park (including natural areas and open spaces), public sidewalk,

public way, public street, or highway within the city and on any city-owned property located outside the corporate limits of the city in violation of section 82.298(a).

(b) The city will attempt to provide notice of any impoundment to the scooter company, or agent of the scooter company, responsible for the motor-assisted scooter, as disclosed by the contact or other identifying information on the motor-assisted scooter. The notice may be attempted by telephone, electronic mail, U.S. mail, hand-delivery or publication, in the city's discretion. The notice shall outline the impoundment and redemption process, including the requirement to pay impoundment fees. If the scooter company responsible for the impounded motor-assisted scooter, or any employee, contractor, agent or other representative acting on behalf of the scooter company, contacts the city about an impounded motor-assisted scooter before notice of the impoundment is sent by the city, such contact shall be deemed notice of the impoundment. If the city is unable to readily identify the owner or other party responsible for the impounded motor-assisted scooter, then notice of the impoundment need not be provided.

(c) Each motor-assisted scooter impounded under this section shall be subject to an impoundment fee of \$50.00 per day impounded.

SECTION 3. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. This ordinance will take effect after its passage, approval and adoption on second reading and publication in accordance with the City Charter.

PASSED AND APPROVED on first reading on May 5, 2020.

PASSED, APPROVED AND ADOPTED on second reading on May 19, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk

Approved:

Michael J. Cosentino
City Attorney



OFFICE OF THE CITY MANAGER

MEMO

To: The Honorable Mayor and City Council
FROM: Bert Lumbreras, City Manager
DATE: April 29, 2020
RE: Motor-Assisted Scooter Ordinance

In response to Council discussion and direction provided at the April 7, 2020 Work Session, staff and legal have developed an ordinance to regulate motor-assisted scooters. This ordinance will be offered for Council consideration on the May 5, 2020 agenda, and includes the following highlights:

- Prohibits the placement and use of motor-assisted scooters owned by commercial scooter companies on public property, streets and sidewalks (Fine up to \$2,000)
- Prohibits a person from using commercially-owned scooters (Fine up to \$100)
- Does not prohibit a person from operating their own motor-assisted scooter
- Does not apply to any city-approved pilot program
- Allows for impoundment of scooters found on public property
- Provides for an impoundment fee of \$50 per day for each scooter impounded
- Drafted as a new ordinance for first reading
- Takes effect upon Council passage of second reading (May 19) and publication

The primary purpose of this ordinance is to protect the public health, welfare and safety.

Please contact me if you have questions or need further clarification.



Legislation Text

File #: Ord. 2020-29, **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-29, temporarily allowing alternative arrangements for the payment of food establishment permit fees under section 18.100 of the San Marcos City Code due to the COVID-19 pandemic; including procedural provisions; providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.

Meeting date: May 5, 2020

Department: Neighborhood Enhancement

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: Received presentation on April 30, 2020

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

☒ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

This issue was first addressed in a Special City Council meeting on April 16, 2020, and a presentation was received by City Council on April 30, 2020. Following direction from the City Council, staff is proposing an ordinance that provides temporary relief to food establishments regarding the payment of certain city fees.

The draft ordinance provides as follows:

- For 180 days after council approves this ordinance, a food establishment that has a fee due during such period may request that the fee be paid in four equal quarterly installments (based on a 12-month calendar year) rather than all at once.
- If the request is timely made during the 180-day period, the food establishment would be required to make the first quarterly payment by the original due date for the fee, plus the balance in three equal payments each due at the start of the remaining three quarters. Thus, the payments will extend beyond the 180-day period of the ordinance.
- The reason for requiring that the first payment be paid by the original due date of the fee is to prevent any current permit from lapsing. In addition, pushing back the payment dates would lead to final payment bumping up against any annual payment due for the next year.
- This ordinance is presented as an emergency measure for approval on one reading.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Provide a different form of relief from payment.

Recommendation:

Approve the recommended ordinance on emergency.

ORDINANCE NO. 2020-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS TEMPORARILY ALLOWING ALTERNATIVE ARRANGEMENTS FOR THE PAYMENT OF FOOD ESTABLISHMENT PERMIT FEES UNDER SECTION 18.100 OF THE SAN MARCOS CITY CODE DUE TO THE COVID-19 PANDEMIC; INCLUDING PROCEDURAL PROVISIONS; PROVIDING FOR ADOPTION OF THIS ORDINANCE AS AN EMERGENCY MEASURE ON ONLY ONE READING; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. Due to the current COVID-19 pandemic, social distancing, and imposed requirements to close non-essential businesses, food establishments within San Marcos are experiencing decreased revenue and difficulty in meeting their financial obligations.
2. Under Section 18.092, of the San Marcos City Code, the operators of food establishments are required to hold a permit issued by the health authority to operate a food establishment.
3. Section 18.095, establishes that the permit expires one year after the date it is issued. The full fee is paid at the time of the application.
4. Section 18.100(c) provides that fees for food establishment permits, inspections, and other services are established by the city council.
5. In order to relieve the financial burden on food establishments in San Marcos, the San Marcos City Council deems it necessary for the health authority to accept requests to make quarterly installment payments of food establishment fees for a period of 180 days during the COVID-19 pandemic.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. For a period of 180 days after the effective date of this ordinance, a food establishment may request that any fee under Section 18.100 of the San Marcos City Code that is due in full within such 180-day period be paid in quarterly installments in accordance with this section. Upon receipt of such a request, the health authority will approve a payment schedule in writing to which the food establishment will be bound. The Under an approved payment schedule shall provide for no payment of the fee in four quarterly installments, with the first quarterly payment to be paid shall be required on the original due date of the fee. Thereafter, at least one-third of the balance due shall be paid on or before the first day of each of the remaining three quarters from the original due date of the fee. The amount of any installment payment in excess of the minimum amount required will be applied to the next installment due.

SECTION 2. The temporary payment provisions in Section 1 of this ordinance may be extended by subsequent ordinance of the City Council during the continuation of the current declaration of a local state of disaster within San Marcos, Texas due to the COVID-19 pandemic.

SECTION 3. Nothing in this ordinance shall be construed as a waiver of the obligation of any person operating a food establishment in San Marcos to obtain a valid permit. All other provisions of Chapter 18, Article 3 of the San Marcos City Code remain in full force and effect and shall continue to apply to the operation of food establishments.

SECTION 4. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 5. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 6. The importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the San Marcos City Charter requiring that ordinances be presented at two separate meetings are hereby waived and, this ordinance will take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED as an emergency measure on only one reading on May 5, 2020.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney



Legislation Text

File #: Ord. 2020-30, **Version:** 1

AGENDA CAPTION:

Consider approval of Ordinance 2020-30, amending Chapter 74 of the San Marcos City Code by adding an addendum to Article 6 that establishes procedures and criteria for the granting of a temporary, revocable, licenses for parklets as a means to reactivate downtown following the COVID-19 stay at home orders of 2020; providing a savings clause; including procedural provisions; providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.

Meeting date: May 5, 2020

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: n/a

Account Number: n/a

Funds Available: n/a

Account Name: n/a

Fiscal Note:

Prior Council Action: n/a

City Council Strategic Initiative:

Downtown Vitality

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.

- ☐ Core Services
☒ Not Applicable

Master Plan: n/a

Background Information:

Planning & Development Services has received direction to explore options for a temporary parklet program in downtown San Marcos to allow businesses to temporarily convert on-street parking spaces adjacent to their shop into outdoor seating. The purpose of this program is to provide an aesthetic enhancement to the downtown streetscape and provide businesses with additional visible service area to activate downtown in the aftermath of the COVID-19 pandemic.

In 2015, the San Marcos City Council adopted a Sidewalk Cafés, Parklets, and Similar Special Uses of Public Rights-of-Way Ordinance creating a public-partnership for streetscape improvements in the public realm. The program consists of an easy-to-read Streetscape Manual with photos, examples, guidance, and resources; technical information is provided within the associated Ordinance. This program was intended for the installation of long-term parklets and sidewalk cafes and does not meet the intent of temporary parklets that would be used for only a couple of months to assist downtown business owners.

Staff has included a memo with an overview of recommendations to create a temporary parklet program. In addition, an associated temporary parklet manual includes several specifications, requirements, and procedures for installation and construction of a temporary structure. Staff recommendations include administrative review of parklets, allowance for food service and/or retail service within parklets, adopting a temporary parklet manual, providing a cap on the time duration and amount of parklets installed, as well as including a requirement for insurance and a license agreement.

In addition, to enhance the downtown streetscape, provide businesses with additional visible service area and help revitalize downtown in the wake of the COVID-19 pandemic, Main Street has applied for a \$10,000 grant from the National Main Street Center. If awarded, the grant funds will be distributed to businesses who have successfully applied for and been granted a Temporary Parklet Permit. Grant winners will be announced on May 18.

The packet includes redlined documents to indicate changes between the 2015 adopted ordinance and Streetscape Manual and the proposed Temporary Parklet Program.

Council Committee, Board/Commission Action:

n/a

Alternatives:

n/a

Recommendation:

Please see the attached memo and associated attachments.

Ordinance 2020-30

Consider approval of Ordinance 2020-30, amending Chapter 74 of the San Marcos City Code by adding an addendum to Article 6 that establishes procedures and criteria for the granting of a temporary, revocable, licenses for parklets as a means to reactivate downtown following the COVID-19 stay at home orders of 2020; providing a savings clause; including procedural provisions; providing for adoption of this Ordinance as an emergency measure on only one reading; and providing an effective date.

Temporary Parklet Program Overview

- Direction to explore options for a temporary parklet program in downtown San Marcos.
- Allow businesses to temporarily convert on-street parking spaces adjacent to their shop into outdoor seating.
- **Purpose:** provide an aesthetic enhancement to the downtown streetscape and provide businesses with additional visible service area to activate downtown following COVID-19 procedures.



Blue Dahlia Bistro Temporary Parklet Installation: Park(ing) Day 2019



218 Studio Co-Op Temporary Parklet Installation: Park(ing) Day 2019

Current Parklet Ordinance

- **Adopted in 2015:** Sidewalk Cafés, Parklets, and Similar Special Uses of Public Rights-of-Way Ordinance
- **Streetscape Manual / Ordinance:** photos, examples, guidance, and resources; technical information
- **Participation:** Several sidewalk café and other miscellaneous streetscape enhancements implemented. No parklets implemented.
- **Park(ing) Day:** Lots of participation in “National Park(ing) Day” which allows temporary parklets in the downtown for one day.



City of San Marcos Pilot Program

STREETSCAPE IMPROVEMENTS MANUAL

A how-to on pedestrian-oriented public space





Temporary Program Recommendations

- **Administrative Review of parklets** – parklets currently require City Council Approval. Administrative approval would expedite review.
- **Allowances for food service and/or retail space** – current ordinance does not allow the parklet to be used for commercial use and must function like a public park. No alcohol or smoking allowed.
- **Temporary Parklet Manual** – same as previous manual with some modifications to assist businesses with a more temporary design (furniture material, locking/storing furniture, trash/recycling, etc.)
- **Time duration / number of parklets** – all parklets removed by August 15, 2020, no more than 2 parklets per block, each parklet shall be no greater than 2 parking spaces.
- **Insurance and License Agreements** – requirement remains the same.

Future Opportunities

- May spur interest in future creation of parklets using the existing program
- Re-evaluation of program
- Proposed Main Street Grant: assist business owners with parklet creation, technical assistance, and business advice.



Move SM (in front of Showdown) Temporary Parklet Installation: Park(ing) Day 2019

ORDINANCE NO. 2020-30

AN ORDINANCE OF THE CITY COUNCIL OF THE OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 74 OF THE SAN MARCOS CITY CODE BY ADDING AN ADDENDUM TO ARTICLE 6 THAT ESTABLISHES PROCEDURES AND CRITERIA FOR THE GRANTING OF TEMPORARY, REVOCABLE, LICENSES FOR PARKLETS AS A MEANS TO REACTIVATE DOWNTOWN FOLLOWING THE COVID-19 STAY AT HOME ORDERS OF 2020; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 74, Streets and Sidewalks, of the San Marcos City Code is hereby amended by adding an addendum to Article 6 to read as follows:

TEMPORARY PARKLETS PROGRAM 2020

Definitions.

In this article:

Parklet, Temporary means a small area of land within a public right-of-way temporarily dedicated for use by the public for commercial or non-commercial activities and purposes, together with improvements, such as lighting, signage, paving, benches, sculpture, landscaping, barricades and fencing, in furtherance of such purposes.

Public right of way means a strip of land over which the city has authority used or intended to be used, wholly or in part by the city, as a public street or sidewalk, or for utility purposes.

Sidewalk means that portion of a public right-of-way, not including the street, that is paved for pedestrian traffic.

Street means that portion of a public right of way that provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or other similar designation, including areas designated for on-street parking.

Temporary Parklet Manual means a manual approved by the city manager or the city manager's designee that establishes technical standards or specifications

for authorized improvements and uses under this article that may be supplemented by other technical standards approved by the city manager or the city manager's designee.

Authorized Temporary Parklet Licenses.

- (a) The city manager or the city manager's designee may grant a temporary parklet special use license for a Temporary Parklet.
- (b) All other improvements in or uses of a public right-of-way not specified in this article addendum may only be approved as specifically provided by other ordinances or by the city council, subject to applicable laws.
- (c) A special use temporary parklet license granted under this article is a revocable grant of a privilege and is not a property right, nor conveyance of an interest in real property.

Requirements for Temporary Parklet licenses.

(a) *Uses and improvements not allowed.* No temporary parklet license may be granted under this article for:

- (1) any building or structure requiring a building permit, other than a neighborhood gateway feature, supportive or decorative column, arch or other structural or decorative feature of a building;
- (2) any improvement, facility or use, the installation or allowance of which would:
 - a. result in a violation of the Americans with Disabilities Act or any other applicable local, state or federal health or safety law or regulation;
 - b. unduly interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk;
 - c. create a traffic hazard; unduly interfere with the safe and efficient operation of a utility facility;
 - d. create undue adverse impacts on adjacent property owners and businesses; or
 - e. block the sight visibility triangle at an intersection; or.
 - f. require the relocation of any utility or utility facility.

(b) *General requirements for all temporary parklet licenses.* A license applicable to permitted uses and improvements allowed under this article, shall include, as applicable:

- (1) all requirements set forth in the Temporary Parklet Manual or other applicable technical standards and specifications with which the Licensee must comply;
- (2) terms and restrictions necessary to protect public use of the public right-of-way or the facilities and access needs of a public or private utility provider;
- (3) specifications for required clearances between the improvements and utility facilities, whether above ground, underground or overhead, as prescribed by applicable building and health and safety codes, franchise agreements or state or federal laws;
- (4) a requirement that the licensee pay the cost to relocate a utility facility or improvement in a public right-of-way in connection with the installation of the improvements, if consent is granted for such relocation;
- (5) authorization for the city or a utility provider to remove, without liability, all or part of the improvements if necessary to obtain access to an affected utility facility;
- (6) provisions approved by the city attorney that require the licensee to indemnify, defend, hold harmless and release the city, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with licensee's use of public right-of-way;
- (7) a provision specifying that the term or expiration date of the license shall not exceed August 14, 2020.
- (8) a provision for termination of the license for violation of its terms, subject to notice of the violation and an opportunity to cure the violation within 5 calendar days after receipt of the notice, except that violation of the expiration date shall be addressed immediately.;
- (9) a provision for termination of the license by the city without recourse before the end of the license term when necessary to implement a capital improvements or utility project, to address threats to public health or safety, or to mitigate adverse impacts to

adjacent property owners and businesses caused by the improvement or use for which the license is granted; and

- (10) a provision providing for the prompt removal of all improvements or cessation of uses upon termination of the license at the Licensee's expense, including the right of the city to remove improvements upon failure of the Licensee to do so and to recover the city's cost for such removal.

Requirements for Temporary Parklets.

- (a) *Approval of Temporary Parklets by city manager.* The city manager or the city manager's designee shall designate may approve applications for a temporary parklet that meets the established criteria.
- (b) *Approval of parklets by city council.* An application for approval of a parklet which does not meet the established criteria in a parking area of a street shall be considered by the city council after a public hearing on the application. Following the conclusion of the public hearing, the city council may approve a license agreement that identifies the parklet area and any applicable restrictions, or deny the application.

Smoking and alcohol restrictions applicable to Temporary Parklets.

(a) Temporary Parklets approved under this article shall be subject to the same restrictions and prohibitions against smoking as are applicable to parks pursuant to Chapter 34, Article 5 of the San Marcos City Code, together with applicable enforcement remedies and penalties thereunder.

(b) It is unlawful for any person to publicly consume or display alcoholic beverages within a parklet. No person shall be issued a citation or arrested for an offense under this subsection unless the person has first been issued a verbal warning and given an opportunity to comply with this section.

(c) In addition to any other remedies and penalties that may be pursued for a violation of this section, the city manager or the city manager's designee may revoke a license issued under this article to a licensee that commits a violation under this section.

Insurance

- (a) *Insurance for Temporary Parklets*

(1) No special use license shall be granted for a temporary parklet or sidewalk café unless the licensee files with the city manager or city manager's designee a certificate of liability insurance or other proof of insurance in a form acceptable to the city's risk manager confirming that the applicant has procured the insurance required by this section. If the policy is not kept in full force and effect throughout the term of the license, the special use license shall automatically become void and the improvements must be removed at that time.

(2) The insurance policy shall be issued by an insurance company authorized to do business in the state. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents or employees. The insurance shall provide coverage in an amount of not less than \$1,000,000.00 for each single occurrence. The minimum amounts of insurance coverage may be increased by the city when it is in the best interest of the public. The policy of insurance shall name both the licensee and the city as insured parties to the full amount of the policy limits.

Application.

(a) An application for a temporary parklet license under this article must be filed with the department designated by the city manager on a form approved by the city manager or the city manager's designee.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading and will remain in effect until August 15, 2020 except that any enforcement related to this ordinance will continue until resolved.

PASSED AND APPROVED on first reading on DATE.

PASSED, APPROVED AND ADOPTED on second reading on DATE.

Jane Hughson

Mayor

Attest:

Approved:

Tammy Cook
Interim City Clerk

Michael J. Cosentino
City Attorney



MEMO

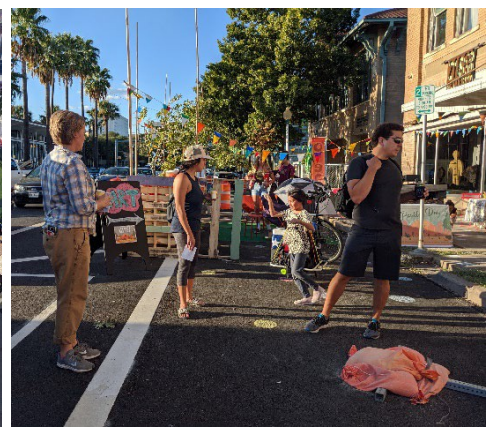
TO: City Council
FROM: Andrea Villalobos, Senior Planner, Planning and Development Services
DATE: April 22, 2020
RE: Temporary Parklet Program

Project Summary

Planning & Development Services has received direction to explore options for a temporary parklet program in downtown San Marcos to allow businesses to temporarily convert on-street parking spaces adjacent to their shop into outdoor seating. The purpose of this program is to provide an aesthetic enhancement to the downtown streetscape and provide businesses with additional visible service area as a means to reactivate downtown following the COVID-19 stay at home orders of 2020.

Current Parklet Ordinance

In 2015, the San Marcos City Council adopted a Sidewalk Cafés, Parklets, and Similar Special Uses of Public Rights-of-Way Ordinance creating a public-partnership for streetscape improvements in the public realm. The program consists of an easy-to-read Streetscape Manual with photos, examples, guidance, and resources; technical information is provided within the associated Ordinance. Information can be found online at: <https://www.sanmarcostx.gov/969/Parklets-Sidewalk-Cafes>. While the city has permitted four sidewalk cafés and other miscellaneous streetscape enhancements through this program, the city has not yet received an application for a parklet. Alternatively, the City has seen participation while hosting the annual “National Park(ing) Day” which allows temporary parklets in the downtown for one day.



September 2019 Park(ing) Day Installation.

From left: Blue Dahlia Bistro, Move SM (in front of Showdown), 218 Studio Co-op

Temporary Parklet Program Recommendations

In order to meet the intent of temporary parklets downtown, staff recommends the following items:

- **Administrative review of parklets.** Currently, a request for a parklet within an on-street public parking space is required to submit a formal application along with supplemental information to the Planning and Development Service Department for interdepartmental review. Following review of the application, staff provides the request to the City Council for final approval. Due to the temporary nature of parklets proposed within the scope of this program, as well as to expedite the approval process, staff recommends that parklet applications be submitted for administrative review only. The ordinance requires that the owners of property or businesses abutting the proposed licensed area must sign off on the parklet. Since the parklets are temporary, this requirement could be waived.
- **Allowances for food service and/or retail service within parklets.** Under the current ordinance, parklets are not to be used for commercial use and shall be open, like a public park. In order to meet the intent of business owners' request for temporary parklets in the downtown area, parklets will serve as extended eating space or retail space, subject to any COVID-19 social distancing requirements. This would allow for restaurant wait staff to provide service in the parklet or allow for a primarily "to go" restaurant, such as a smoothie shop, to have extra tables for customers to sit at outside. Staff recommends that no alcohol and no smoking be allowed in the parklet. Trash and recycling facilities will be required in the parklet.
- **Temporary Parklet Manual.** Staff recommends several modifications to the streetscape manual to allow temporary parklet designs as well as to add standards for any food service such as trash and recycling, locking and storing of chairs, and material of furniture. Please reference the attached "Temporary Parklet Manual" for these recommendations.
- **Time duration / number of parklets.** Due to the high demand in parking spaces in the downtown area, staff recommends that all temporary parklets be removed by August 15, 2020, the move-in date for students. Staff recommends removing the cap on the number of parklets allowed, however, recommends that each block be limited to no more than two parklets. Businesses will most likely request that their parklet be more than one parking space in size, therefore, a cap should be established that limits each parklet to no more than two parking spaces.
- **Insurance / License Agreement.** Staff recommends keeping the requirement for insurance and an administratively approved license agreement, however, Legal should weigh in on this item for the purposes of a temporary parklet.

Future Opportunities

Parklets have not been pursued in San Marcos. Creating a temporary parklet program may allow for re-evaluation of the ordinance as well as spur business owners or community groups to apply for a formal long-term parklet approved by City Council. In addition, to enhance the downtown streetscape, provide businesses with additional visible service area and help revitalize downtown in the wake of the COVID-19 pandemic, Main Street has applied for a \$10,000 grant from the National Main Street Center. This grant application coordinates with the Temporary Parklet Program developed by Planning & Development Services (pending Council agreement). If awarded, the grant funds will be distributed to businesses who have successfully

applied for and been granted a Temporary Parklet Permit. Funds will be used to help businesses create parklets. These parklets will serve as an incremental approach to reopening and act as a template for successful, safe business practices in the new normal. Grant winners will be announced on May 18. If Main Street does not receive funding, they will continue to provide small business assistance utilizing staff (Main Street and Economic Development) and community partners (Chamber of Commerce, Small Business Development Center, etc.).



City of San Marcos

TEMPORARY PARKLET MANUAL

Summer 2020



PARKLETS INTRODUCTION

INTRODUCTION

In cities across the country, there is a movement afoot to reclaim and repurpose underutilized spaces for people through the use of parklets. Parklets are the reuse of on-street parking spaces or unused portions of right-of-way to provide amenities and green space for the general public. Parklets are intended as aesthetic enhancements to the streetscape and can incorporate seating, plantings, bike parking, and art, providing an economical solution to the need for increased public open space. The City of San Marcos has enacted a Temporary Parklet Program to provide an aesthetic enhancement to the downtown streetscape and provide businesses with additional visible service area as a means to reactivate downtown following the COVID-19 stay at home orders of 2020.

WHAT ARE PARKLETS?

Parklets are generally one or two parking spaces long and are built out of semi-permanent materials installed in a way that does not require reconfiguring the roadway or pouring concrete. By not requiring a concrete base, parklets are a fast and less expensive way for the City to bring vibrancy to downtown. Parklets are used to encourage pedestrian oriented development and have been shown to increase the economic activity of the neighborhood. While parklets are funded and maintained by businesses, residents, and community organizations, they are intended to provide benefits to all uses of the public rights-of-way.

ORIGINS

The parklet initiative was first introduced in San Francisco in 2009 through a city-wide Park(ing) Day. The program encouraged citizens to design and install a temporary park within a parking space resulting in 975 “parks” in 162 cities across 35 countries and 6 continents. The San Francisco Planning Department led the initial effort to install a Parklet Pilot Program known as *Pavement to Parks*. In order to avoid a lengthy permit process, it defined this project as “removable” in character and implemented a unique design and construction guidelines manual.



BENEFITS & PURPOSE

Parklets have significant implications for cities. By increasing pedestrian activity and encouraging pedestrians to linger in an area longer parklets encourage economic growth. San Francisco’s first parklet, sponsored by *Mojo Bicycle Café*, featured a simple design with bright red tables, silver chairs, and three bike racks. The results were impressive:

- ❖ 37% rise in weekday evening pedestrian traffic;
- ❖ 14% increase in the number of people walking their bikes within the study area;
- ❖ 10% rise in positive public perception of the area’s community character. As more cities and downtowns become aware of these advantages, it can be expected for parklets to continue to grow in popularity. With this, the trend of reclaiming space for people will continue to grow, one parking space at a time.

Parklets have the potential to increase commercial and residential occupancy, encourage pedestrian traffic, and highlight the character of the neighborhood.

APPLICATION

PRE-APPLICATION

Prior to submitting an application, applicants are **required** to schedule an appointment with the Planning and Development Services department to verify the viability of the location and proposed elements. Parklets should be proposed in areas where they are likely to be used and active. To schedule a meeting, please email planninginfo@sanmarcostx.gov with your top 3 dates/times of availability.

APPLICATION AND PROCESS

After the Pre-Development meeting, the applicant may begin the process of completing the application and supporting materials. Applications can be submitted online at www.mygovernmentonline.org. A completed application will include the following:

1. City of San Marcos Parklet Application
2. A map, survey, drawing, aerial photograph, site plan or similar information showing the footprint/outline of the proposed parklet, including dimensions of parklet, property lines, existing sidewalk width, existing parking stalls/alignment and all existing sidewalk furniture and obstructions; e.g. fire hydrants, utility poles, street trees, etc.
3. A description of type(s) of elements proposed to be placed in the parklet; e.g. tables, chairs, benches, planters/landscaping, bicycle parking, etc.
4. A detailed description of safety elements that will be installed adjacent to travel lanes and open parking spaces.
5. City of San Marcos License and Maintenance Agreement, approved by the City Manager.
6. Proof of Insurance as required



APPROVAL

Once City staff determines an application is complete and meets the standards set forth below, the Planning and Development Services Department will issue an administrative temporary parklet permit.

DURATION

Approved parklets will be permitted from the date the permit is issued until August 14, 2020. All parklet installations must be removed no later than August 15, 2020 in preparation for the Fall Semester at Texas State University. The owner of any parklet not removed on or before August 15, 2020 will be subject to immediate enforcement action. approved parklets are temporary installations and are subject to removal with any violation of the permit, maintenance, or general procedure.

DESIGN





The parklet design and location shall conform to the following design guidelines, as well as any additional standards made part of the approval of the individual parklet. Additional requirements and further details can be found in

Ordinance 2020-XX.

1. **LOCATIONS**

Parklets are allowed in parallel or angled parking spaces or within unused right-of-way. There shall be no more than two parklets per block. Each parklet shall be limited to utilizing no more than two parking spaces;

2. **CORNER LOCATIONS**

The proposed parklet site shall be located at least one parking spot from a corner or protected by a bollard, sidewalk bulb-out, or other similar feature, if located at the corner.

3. **SPEED LIMIT**

Parklets are permitted where the posted speed limit is 30 mph or less. Streets with higher speed limits may be considered on a case-by-case basis.

4. **STREET SLOPE**

Parklets must be situated on streets with a running slope (grade) of five percent or less or provide a level surface to meet this grade..

5. **BUFFERS & SAFETY ELEMENTS**

Parklets shall be required to have a buffer to protect users from street traffic. Buffers can be either reflective tape, planters, durable seating, temporary railing/edging, or other visible, protective edging as approved by staff in the application process. Traffic cones are not recommended but may be allowed on a case-by-case basis. Parklets must be situated a minimum of 2 feet from the nearest edge of traveled way. Planters used as edging features are required to be large and durable. All edging and buffering mechanisms will require City approval.

6. **UTILITIES**

Parklets shall not be allowed in front of a fire hydrant, or over a manhole, public utility valve, or cover. Curb and roadside drainage shall not be impeded by the parklet. If decking is being constructed, the decking should allow for easy access underneath and curbside drainage shall not be impeded. A gap of 6" should be maintained between the body of the deck and the asphalt to facilitate the movement of water.

7. **ADA REQUIREMENTS**

All elements of Parklets shall be constructed and/or installed to conform to the applicable provisions, rules, regulations, and guidelines of the Americans with Disabilities Act (ADA).

8. **DESIGN FOR EASY REMOVAL**

Parklets are temporary in nature and must be designed for easy removal. All removable furniture must be locked or stowed each night.

9. **PARKLET DECKING**

Parklet decking must be flush with the curb and may not have more than ½" gap from the curb. If decking is installed, a minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets. Platforms shall not exceed a 2% cross slope. Decking will need to be constructed of durable material capable of withstanding weather elements. Deck installation shall not damage the sidewalk, street, curb, or any aspect of the public right-of-way. Due to the temporary nature of the parklet, any proposed decking shall not be allowed to be bolted into the asphalt.

10. **EDGING**

All proposed edging shall be visually permeable. Due to the temporary nature of the parklets, all edging or railing shall not be bolted to the asphalt. Therefore, any edging or railing will need to be removed each day so as not to blow away or fall when the parklet is not in use. The temporary railing shall be durable enough to stand on its own and should have a sturdy base.

11. **VISUAL DESIGN**

Parklet designs must maintain a visual connection to the street and not obstruct sight lines to existing businesses or roadway signage. While not visible from the sidewalk, the parklet's back is highly visible from across the street. Large blank walls, therefore, are discouraged.

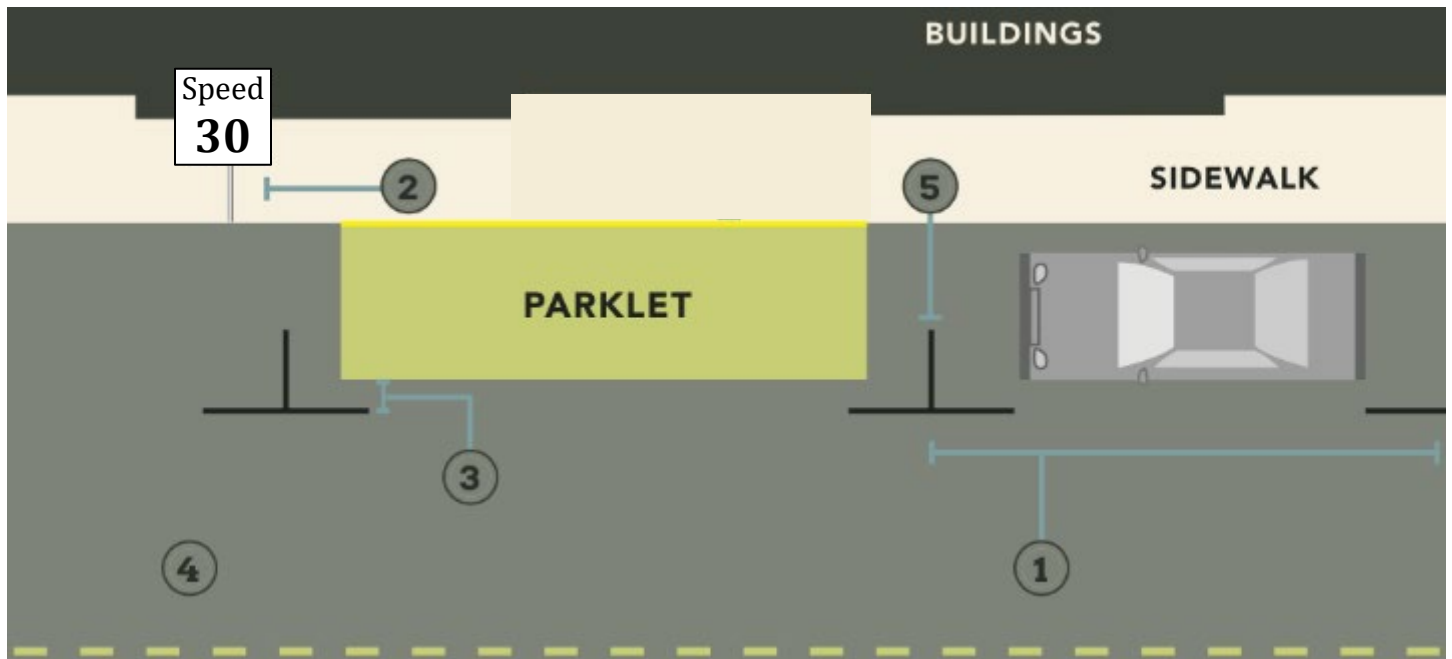
12. MATERIALS

Materials should be high quality, durable, waterproof, and capable of withstanding heavy use and exposure to the elements. Loose particles such as sand or loose stone are not permitted within the parklet area. All furniture must be designed for outdoor use. The following images outline allowed material and furniture types. Sofas as parklet furniture is prohibited.

Allowed materials: metals, sturdy plastic chairs, wood, sturdy recycled materials

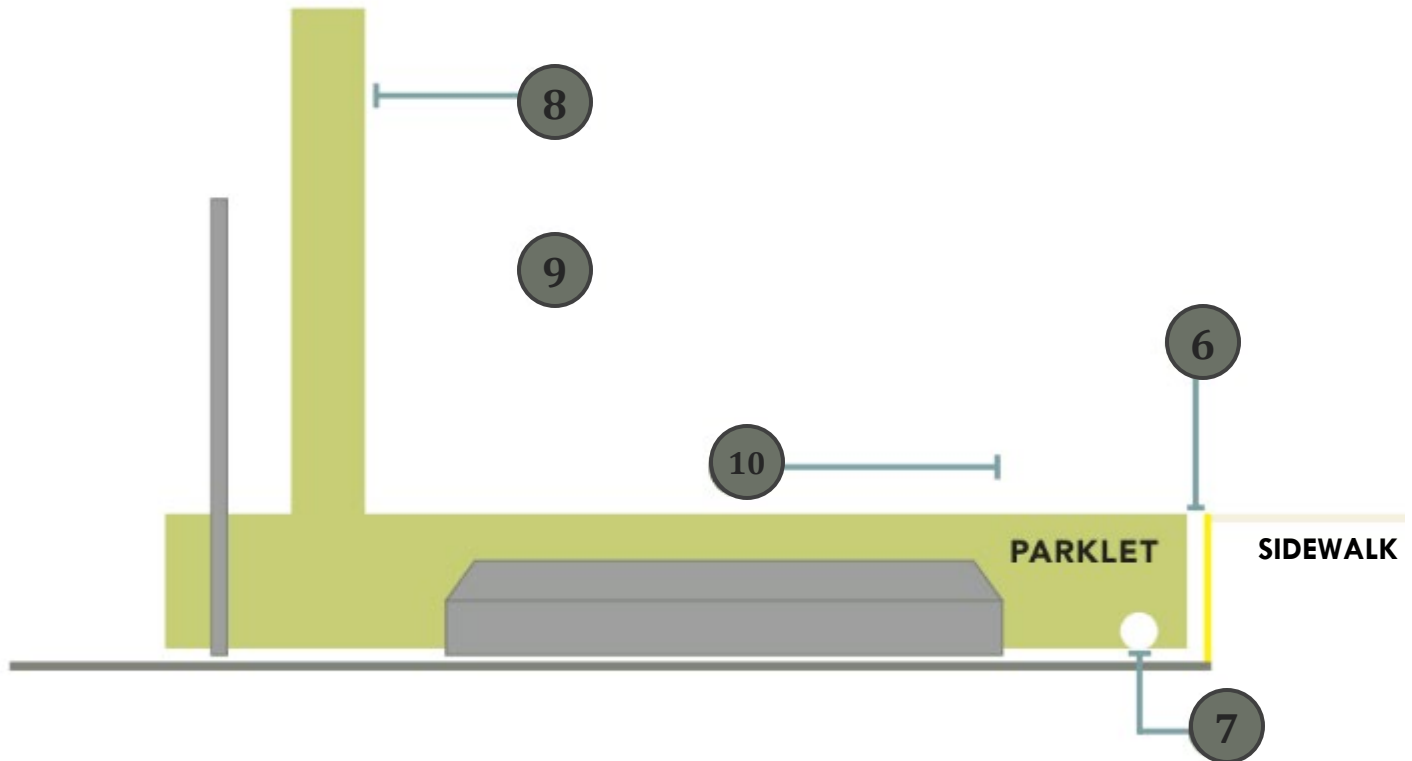


PLACEMENT GUIDELINES



1. Located at least one parking stall from a corner (*If located at corner, parklet must be protected by a bollard, sidewalk bulb-out, or other similar feature*).
2. In an area with a posted speed limit of 30mph or slower.
3. Minimum of 2 feet from the nearest edge of traveled way.
4. Street has a grade of no greater than 5%.
5. Buffer to protect users from street traffic.

DESIGN, cont.



6. If decking is installed, decking must be flush with the curb and may not have more than $\frac{1}{2}$ " gap from the curb. If this is impossible, the parklet must be ADA accessible. A minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets.
7. The platform should allow for easy access underneath the platform and curbside drainage may not be impeded. A gap of 6" should be maintained between the body of the deck and the asphalt to facilitate the movement of water.
8. All edging shall be visually permeable.
9. The temporary railing shall be durable enough to stand on its own and should have a sturdy base.

RESPONSIBILITIES OF PERMIT HOLDERS

Parklets permit holders are responsible for the following. Additional requirements and further details can be found in *Ordinance 2020-xx*

- Keep parklet well maintained and in good repair with daily cleaning.
- Keep parklet free of debris, grime, and graffiti.
- Water and maintain all parklet vegetation.
- Provide pest control as needed.
- No alcohol is allowed in the parklet.
- No smoking is allowed in the parklet.
- Amplified music is prohibited in the parklet.
- The City will provide each parklet with signage advertising the sponsoring business in order to be placed in the parklet. No advertising signage is allowed in or on the parklet. The parklet may include informational signs such as “no smoking” or “no alcoholic beverages”.
- If food service is proposed within the parklet:
 - The kitchen facilities must be a permitted Food Service Establishment in good standing.
 - Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or parklet.
 - Non-disposable dishes, silverware, and linens must be used to prevent items from blowing off tables.
 - Cooking appurtenances are prohibited within the parklet.
- Any proposed removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly according to City standards and best methods. Bolting of fence/barrier is allowed with City approval.
- The permit holder must provide for at least one trash receptacle and one recycle bin that is emptied during the day and every night.

TRASH & RECYCLING REQUIREMENTS

The permit holder is required to provide trash and recycling receptacles sufficient for the proposed use and is subject to the following requirements:

- Food service establishments must provide both receptacles which shall be no smaller than 10 gallons.
- Retail or other non-food service establishments must provide both receptacles, however a minimum size is not required.
- Receptacles must be emptied by the permit holder at any time they are visibly full.
- All waste and recycling generated within the parklet is the responsibility of the permit holder. This includes items that are blown from the parklet.
- Bin covers are encouraged.
- Black trash and blue recycling receptacles are encouraged.
- If the permit older does not currently have access to recycling facilities, the permit holder will need to work with city staff to find an accessible recycling facility.

ADDITIONAL RESOURCES

For additional information on parklet origins, design, and inspiration from other cities, please view the San Francisco Parklet Manual V.2, <http://pavementtoparks.sfplanning.org/parklets.html>.

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 74 OF THE SAN MARCOS CITY CODE BY ADDING AN ADDENDUM TO NEW ARTICLE 6 THAT ESTABLISHES PROCEDURES AND CRITERIA FOR THE GRANTING OF A TEMPORARY, REVOCABLE, LICENSES FOR SIDEWALK CAFÉS, PARKLETS, AND SIMILAR SPECIAL USES OF PUBLIC RIGHTS-OF-WAY AS A MEANS TO REACTIVATE DOWNTOWN FOLLOWING THE COVID-19 STAY AT HOME ORDERS OF 2020; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Chapter 74, Streets and Sidewalks, of the San Marcos City Code is hereby amended by adding an addendum to new Article 6 to read as follows: ~~(Added text is indicated by underlining. Deleted text is indicated by strikethroughs.)~~:

~~ARTICLE 6.~~SIDEWALK CAFÉS, TEMPORARY PARKLETS PROGRAM 2020 AND SIMILAR SPECIAL USES OF PUBLIC RIGHTS- OF-WAY

~~Sec. 74.199.~~ Definitions.

In this article:

~~*Neighborhood Gateway Feature* means an entrance to a neighborhood or development that provides a unique sense of identity, transition, and anticipation. These features should relate to the region's natural resources, scenic views, and local cultural heritage. Gateways identify entrance points to neighborhoods. The scale includes neighborhoods that may have entries for both pedestrian and vehicular traffic. Architecture, materials, and views may be highlighted to give residents not only a sense of identity and belonging, but pride in their community.~~

Parklet, Temporary means a small area of land within a public right-of-way temporarily dedicated for use by the public for commercial or rest, relaxation, recreation, beautification, entertainment, cultural, educational and other non-commercial activities and purposes, together with improvements, such as lighting, signage, paving, benches, sculpture, landscaping, barricades and fencing, in furtherance of such purposes. ~~Use of a parklet may not be reserved for the exclusive benefit of any private person or entity, including a licensee under this article for any for profit or commercial purposes.~~

Public right of way means a strip of land over which the city has authority used or intended to be used, wholly or in part by the city, as a public street or sidewalk, or for utility purposes.

Sidewalk means that portion of a public right-of-way, not including the street, that is paved for pedestrian traffic.

~~*Sidewalk-café* means an outdoor dining area that is:~~

~~(1) associated with a restaurant with kitchen facilities for the preparation of the food to be sold, the primary business of which is the on-premises sale of prepared food;~~

~~(2) is located on a sidewalk abutting and within the span of the façade of the restaurant;~~

~~(3) open to the air; and~~

~~(4) contains removable tables, chairs, planters or other appurtenances.~~

Street means that portion of a public right of way that provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or other similar designation, including areas designated for on-street parking.

~~*Streetscape Improvements Temporary Parklet Manual*~~ means a manual approved by the city manager or the city manager's designee that establishes technical standards or specifications for authorized improvements and uses under this article that may be supplemented by other technical standards approved by the city manager or the city manager's designee.

~~Sec. 74.200. Authorized Special Use Temporary Parklet Licenses.~~

~~(a) (a) —~~The city manager or the city manager's designee may grant a ~~temporary parklet~~ special use license for ~~a Temporary pParklet.~~

~~— use of public right of way in accordance with the requirements of this article for the following uses:~~

~~(1) neighborhood gateway features and landscaping;~~

~~(2) parklets under section 74.204(b);~~

~~(3) sidewalk cafés;~~

- ~~_____ (4) supportive or decorative columns, arches or other structural or decorative features; or~~
- ~~_____ (5) overhead, surface or subsurface encroachments, other than signs, not specified herein.~~
- ~~_____ (b) The city council may grant a special use license for a parklet under Section 74.204(a).~~
- ~~_____ (e) _____~~ All other improvements in or uses of a public right-of-way not specified in this article addendum may only be approved as specifically provided by other ordinances or by the city council, subject to applicable laws.

~~(b) _____~~

- ~~(c) _____~~ ~~(d) _____~~ A special use temporary parklet license granted under this article is a revocable grant of a privilege and is not a property right, nor conveyance of an interest in real property.

~~Sec. 74.201. Exceptions.~~

~~The following improvements, facilities or uses in a public right of way shall not require a special use license:~~

- ~~(1) trees and decorative landscaping, including landscaping, lighting, watering systems, and other appurtenances for the maintenance thereof, the plans for which are part of an approved site preparation permit for a subdivision;~~
- ~~(2) utility facilities for which the city has granted a franchise permitting such use of the public right of way; or~~
- ~~(3) improvements, facilities or uses specifically allowed by or for which an alternate approval process is established by zoning or other ordinances of the city, e.g. projecting signs, awnings, canopies, marquees or architectural elements of a building within the downtown SmartCode or successor zoning district.~~

~~Sec. 74.202. Requirements for special use licenses Temporary Parklet licenses.~~

- ~~(a) _____~~ *Uses and improvements not allowed.* No temporary parklet license may be granted under this article for:

- (1) any building or structure requiring a building permit, other than a neighborhood gateway feature, supportive or decorative column, arch or other structural or decorative feature of a building;
- (2) any improvement, facility or use, the installation or allowance of which would:
 - a. result in a violation of the Americans with Disabilities Act or any other applicable local, state or federal health or safety law or regulation;
 - b. unduly interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk;
 - c. create a traffic hazard; unduly interfere with the safe and efficient operation of a utility facility;
 - d. create undue adverse impacts on adjacent property owners and businesses; or
 - e. block the sight visibility triangle at an intersection; or.
 - f. require the relocation of any utility or utility facility.

(b) *General requirements for all temporary parklet licenses.* A license applicable to permitted uses and improvements allowed under this article, shall include, as applicable:

- (1) all requirements set forth in the Streetscape Improvements Temporary Parklet Manual or other applicable technical standards and specifications with which the Licensee must comply;
- (2) terms and restrictions necessary to protect public use of the public right-of-way or the facilities and access needs of a public or private utility provider;
- (3) specifications for required clearances between the improvements and utility facilities, whether above ground, underground or overhead, as prescribed by applicable building and health and safety codes, franchise agreements or state or federal laws;
- (4) a requirement that the licensee pay the cost to relocate a utility facility or improvement in a public right-of-way in connection with

the installation of the improvements, if consent is granted for such relocation;

(5) authorization for the city or a utility provider to remove, without liability, all or part of the improvements if necessary to obtain access to an affected utility facility;

(6) provisions approved by the city attorney that require the licensee to indemnify, defend, hold harmless and release the city, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with licensee's use of public right-of-way;

(7) a provision specifying that the term or expiration date of the license shall not exceed August 14, 2020. ~~that is no greater than one year;~~

(8) a provision for termination of the license for violation of its terms, subject to notice of the violation and an opportunity to cure the violation within 10-5 calendar days after receipt of the notice, except that violation of the expiration date shall be addressed immediately.;

(9) a provision for termination of the license by the city without recourse before the end of the license term when necessary to implement a capital improvements or utility project, to address threats to public health or safety, or to mitigate adverse impacts to adjacent property owners and businesses caused by the improvement or use for which the license is granted; and

(10) a provision providing for the prompt removal of all improvements or cessation of uses upon termination of the license at the Licensee's expense, including the right of the city to remove improvements upon failure of the Licensee to do so and to recover the city's cost for such removal.

~~(c) — Other minimum design and installation standards.~~

~~(1) — The city manager or the city manager's designee shall approve a Temporary Parklet Streetscape Improvements Manual and any other technical standards or specifications for authorized improvements and uses under this article, which shall include:~~

- ~~a. — provisions to ensure a minimum width of unobstructed paved areas on a sidewalk available for passage by pedestrians and other users of the sidewalk of at least six feet;~~
- ~~b. — measures deemed necessary by the city manager or the city manager's designee to address public health, safety, sanitation and aesthetic concerns;~~
- ~~c. — requirements for maintenance, repair, litter and debris;~~
- ~~d. — requirements for the protection of persons and property from injury or damage;~~
- ~~e. — requirements for installation and anchoring to prevent or minimize damage to the surface of streets and sidewalks;~~
- ~~f. — requirements for the type of construction utilized to facilitate the expeditious removal of improvements; and~~
- ~~g. — requirements for the mitigation of adverse impacts on the public or adjacent property owners and businesses.~~

~~Sec.74.203. Security for Sidewalk Café Improvements.~~

~~*Security for Restoration.* Where a barrier device, screen or fence is installed to serve a sidewalk café, the applicant shall provide sufficient security to the city to pay for the costs of the safe and orderly removal of such barrier device, screen or fence and the restoration of the public sidewalk or other public improvements to a condition similar to that existing before the installation of the barrier device, screen or fence.~~

~~(1)*Amount of Security.* The security shall be in the amount of 125 percent of the cost estimate approved by the Engineering Director for the removal of the barrier device, screen or fence and restoration of the public sidewalk and any other public improvements.~~

~~(2)*Form of Security.* The security provided to the city shall be either a cash escrow (payment of funds directly with the Finance Department of the city to be held in escrow by the city) or letter of credit in a form acceptable to the city attorney.~~

~~Sec. 74.204. Requirements for Temporary Parklets.~~

- ~~(a) (b)Approval of Temporary Parklets by city manager. The city manager or the city manager's designee shall designate may approve applications for a temporary parklet that meets the established criteria.~~
- ~~(b) a) — Approval of parklets by city council. An application for approval of a parklet which does not meet the established criteria in a parking area of a street shall be considered by the city council after a public hearing on the application. Following the conclusion of the~~

public hearing, ~~t~~The city council may approve a license agreement that identifies the parklet area and any applicable restrictions, or deny the application.

~~(b) *Approval of parklets by city manager.* The city manager or the city manager's designee shall designate appropriate locations eligible for the installation of temporary parklets and may approve applications for a temporary parklet in areas of right-of-way that are not designated or used for parking.~~

~~Sec. 74.205.~~ Smoking and alcohol restrictions applicable to Temporary pParklets, ~~and sidewalk cafés.~~

(a) ~~Temporary~~ Parklets ~~and sidewalk cafés~~ approved under this article shall be subject to the same restrictions and prohibitions against smoking as are applicable to parks pursuant to Chapter 34, Article 5 of the San Marcos City Code, together with applicable enforcement remedies and penalties thereunder.

(b) It is unlawful for any person to publicly consume or display alcoholic beverages within a parklet. No person shall be issued a citation or arrested for an offense under this subsection unless the person has first been issued a verbal warning and given an opportunity to comply with this section.

(c) In addition to any other remedies and penalties that may be pursued for a violation of this section, the city manager or the city manager's designee may revoke a license issued under this article to a licensee that commits a violation under this section.

~~Sec. 74.206.~~ Insurance

(a) *Insurance for ~~p~~Temporary Parklets ~~and sidewalk cafés.~~*

(1) No special use license shall be granted for a temporary parklet or sidewalk café unless the licensee files with the city manager or city manager's designee a certificate of liability insurance or other proof of insurance in a form acceptable to the city's risk manager confirming that the applicant has procured the insurance required by this section. If the policy is not kept in full force and effect throughout the term of the license, the special use license shall automatically become void and the improvements must be removed at that time.

(2) The insurance policy shall be issued by an insurance company authorized to do business in the state. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents or

employees. The insurance shall provide coverage in an amount of not less than \$1,000,000.00 for each single occurrence. The minimum amounts of insurance coverage may be increased by the city when it is in the best interest of the public. The policy of insurance shall name both the licensee and the city as insured parties to the full amount of the policy limits.

~~(b) Insurance for other uses. For uses other than parklets or sidewalk cafés, the city manager or the city manager's designee shall establish applicable insurance requirements if insurance is determined to be necessary.~~

~~Sec. 74.207. Application.~~

(a) An application for a temporary parklet ~~special use~~ license under this article must be filed with the department designated by the city manager on a form approved by the city manager or the city manager's designee.

~~———— (b) ——— An application under this article must include:~~

~~(1) an application fee, if any, as established by separate ordinance or resolution of the city council;~~

~~(2) a map, survey, drawing, aerial photograph or similar information, provided at the applicant's expense, identifying the area of public right of way proposed to be used under a special use license;~~

~~(3) a survey and/or title commitment if the city manager or the city manager's designee determines that the information provided by the applicant is inadequate to identify the area subject to the proposed license, to clarify conflicts in boundary lines between the city's right of way and adjacent properties, to verify ownership the subject land area or the existence of easements and other encumbrances; and~~

~~(4) a detailed description, together with plans, specifications, photographs or illustrations of the proposed improvements or installation.~~

~~———— (c) ——— The application shall be delivered for comment to:~~

~~———— (1) ——— affected city departments;~~

~~(2) the owners of property or businesses abutting the proposed licensed area; and~~

~~———— (3) ——— affected utility providers.~~

~~Sec. 74.208. Provisions for parklets subject to review after one year.~~

~~In the month of August, 2016, the city council shall review and consider the provisions of this ordinance that allow for and relate to parklets to determine their effectiveness and impact on the community, and whether to continue, amend or repeal such provisions. The city council may also review this ordinance at any other time it deems appropriate. During this review period, no more than five licenses for parklets may be approved.~~

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading and will remain in effect until August 15, 2020 except that any enforcement related to this ordinance will continue until resolved.

PASSED AND APPROVED on first reading on ~~August 18, 2015~~DATE.

PASSED, APPROVED AND ADOPTED on second reading on ~~September 1, 2015~~DATE.

~~Daniel Guerrero~~Jane Hughson

Mayor

Attest:

Approved:

~~Jamie Lee Pettijohn~~Tammy Cook

Michael J. Cosentino

Interim City Clerk

City Attorney



City of San Marcos Pilot Program City of San Marcos

STREETSCAPE IMPROVEMENTS TEMPORARY



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License and Maintenance Agreement Sample

Ordinance 15-01

PARKLETS INTRODUCTION

INTRODUCTION

In cities across the country, there is a movement afoot to reclaim and repurpose underutilized spaces for people through the use of parklets. Parklets are the reuse of on-street parking spaces or unused portions of right-of-way to provide amenities and green space for the general public. Parklets are intended as aesthetic enhancements to the streetscape and can incorporate seating, plantings, bike parking, and art, providing an economical solution to the need for increased public open space. The City of San Marcos has enacted a ~~Temporary Pilot~~ Parklet Program to provide an aesthetic enhancement to the downtown streetscape and provide businesses with additional visible service area as a means to reactivate downtown following the COVID-19 stay at home orders of 2020. to help promote economic vibrancy in downtown San Marcos in the aftermath of the COVID-19 pandemic. allowing 5 total parklets within a one-year period subject for review by the San Marcos City Council.

WHAT ARE PARKLETS?

Parklets are generally one or two parking spaces long and are built out of semi-permanent materials installed in a way that does not require reconfiguring the roadway or pouring concrete. By not requiring a concrete base, parklets are a fast and less expensive way for the City to bring ~~sidewalk improvements to a neighborhood~~ vibrancy to downtown. Parklets are used to encourage pedestrian oriented development and have been shown to increase the economic activity of the neighborhood. While parklets are funded and maintained by businesses, residents, and community organizations, they are intended to provide benefits to all uses of the public rights-of-way.

ORIGINS

The parklet initiative was first introduced in San Francisco in 2009 through a city-wide Park(ing) Day. The program encouraged citizens to design and install a temporary park within a parking space resulting in 975 “parks” in 162 cities across 35 countries and 6 continents. The San Francisco Planning Department led the initial effort to install a Parklet Pilot Program known as *Pavement to Parks*. In order to avoid a lengthy permit process, it defined this project as “removable” in character and implemented a unique design and construction guidelines manual.



BENEFITS & PURPOSE

Parklets have significant implications for cities. By increasing pedestrian activity and encouraging pedestrians to linger in an area longer parklets encourage economic growth. San Francisco's first parklet, sponsored by *Mojo Bicycle Café*, featured a simple design with bright red tables, silver chairs, and three bike racks. The results were impressive:

Parklets have the potential to increase commercial and residential occupancy, encourage pedestrian traffic, and highlight the character of the neighborhood.

- ❖ 37% rise in weekday evening pedestrian traffic;
- ❖ 14% increase in the number of people walking their bikes within the study area;
- ❖ 10% rise in positive public perception of the area's community character. As more cities and downtowns become aware of these advantages, it can be expected for parklets to continue to grow in popularity. With this, the trend of reclaiming space for people will continue to grow, one parking space at a time.

APPLICATION

PRE-APPLICATION

Prior to submitting an application, applicants are **required** to schedule an appointment with the Planning and Development Services department for a Pre-Development meeting with the Planning and Development Services Department to verify the viability of the location and proposed elements. Parklets should be proposed in areas where they are likely to be used and active. ~~The results of the Pre-Development meeting do not guarantee approval of the Parklet location and design.~~ To sign up for a Parklet Pre-Development meeting To schedule a meeting, please email planninginfo@sanmarcostx.gov with your top 3 dates/times of availability.

APPLICATION AND PROCESS

After the Pre-Development meeting, the applicant may begin the process of completing the application and supporting materials. Applications can be submitted online at www.mygovernmentonline.org. A completed application will include the following:

1. City of San Marcos Parklet Application
- ~~2. Application Fee submitted with Application~~
- ~~3.~~ 2. A map, survey, drawing, aerial photograph, site plan or similar information showing the footprint/outline of the proposed parklet, including dimensions of parklet, property lines, existing sidewalk width, existing parking stalls/alignment and all existing sidewalk furniture and obstructions; e.g. fire hydrants, utility poles, street trees, etc.
3. A description of type(s) of elements proposed to be placed in the parklet; e.g. tables, chairs, benches, planters/landscaping, bicycle parking, etc.
4. A detailed description of safety elements that will be installed adjacent to travel lanes and open parking spaces.
- ~~5. Final dimensioned site plan including all details, plant species, furniture types, etc.~~
- ~~6.~~ 5. City of San Marcos License and Maintenance Agreement, approved by the City Manager.
- ~~7.~~ 6. Proof of Insurance as required
- ~~8. Documentation of support from abutting property/business owners is required. Additional documentation of community support is encouraged.~~

~~The application package, including all supporting materials, should be submitted to the City of San Marcos Permit Center at www.mypermitnow.org. The application will be reviewed by City Staff to determine if the application meets all designated requirements. Additionally, reviewing staff will analyze aspects of the application and plans such as enhancement of streetscape, location, community support, and maintenance plan.~~



APPROVAL

Once City staff determines an application is complete and meets the standards set forth below, by the City of San Marcos Streetscape Improvements Manual, the Planning and Development Services Department will issue an ~~administrative~~ temporary parklet permit. ~~either approve the parklet administratively or forward the request and application to the City of San Marcos City Council for final approval.~~

~~Parklet applicants must work through the following outlined process in order to receive approval to begin the construction of a Parklet. There are two types of parklet approvals:~~

1. ~~**Approval of parklet by City Council:** An application for approval of a parklet in a parallel **parking area** of a street shall be considered by the City Council after a public hearing on the application. Parklets are only permitted in parallel parking spaces.~~
2. ~~**Approval of parklet Administratively:** The City Manager or the City Manager's designee shall designate appropriate locations eligible for the installation of parklets and may approve applications for a parklet in areas of right of way that are **not designated for parking.**~~

DURATION

Approved parklets will be permitted from the date the permit is issued until August 14, 2020. All parklet installations must be removed no later than August 15, 2020 in preparation for the Fall Semester at Texas State University. The owner of any parklet not removed on or before August 15, 2020 will be subject to immediate enforcement action. for ~~[INSERT END DATE] one full year after their installation and must be designed for easy de-installation.~~ All approved parklets are temporary installations and are subject to removal with any violation of the permit, maintenance, or general procedure. ~~Parklets are subject to annual review and must obtain a renewal permit and pay associated renewal fee.~~



DESIGN

The parklet design and location shall conform to the following design guidelines, as well as any additional standards made part of the approval of the individual parklet. Additional requirements and further details can be found in Ordinance [2020-XX2015-01](#).

1. LOCATIONS

Parklets are allowed in parallel or angled parking spaces or within unused right-of-way. There shall be no more than two parklets per block. Each parklet shall be limited to utilizing no more than two parking spaces;

2. CORNER LOCATIONS

The proposed parklet site shall be located at least one parking spot from a corner or protected by a bollard, sidewalk bulb-out, or other similar feature, if located at the corner.

3. SPEED LIMIT

Parklets are permitted where the posted speed limit is 30 mph or less. Streets with higher speed limits may be considered on a case-by-case basis.

4. STREET SLOPE

Parklets must be situated on streets with a running slope (grade) of five percent or less or provide a level surface to meet this grade.

5. BUFFERS & SAFETY ELEMENTS

Parklets shall be required to have a buffer to protect users from street traffic. Buffers can be either reflective tape, planters, durable seating, temporary railing/edging, or other visible, protective edging as approved by staff in the application process. ~~Traffic cones are not recommended but may be allowed on a case-by-case basis. soft hit posts, wheel stops, and depending on proposed location, may require edging such as planters, railings, or cables, to protect users from street traffic.~~ Parklets must be situated a minimum of 2 feet from the nearest edge of traveled way. Planters used as edging features are required to be large and durable. ~~and not easily removed.~~ All edging and buffering mechanisms will require City approval. ~~Parklets located in unused portions of right-of-way require curb stops per City specifications.~~

6. UTILITIES

Parklets shall not be allowed in front of a fire hydrant, or over a manhole, public utility valve, or cover. Curb and roadside drainage shall not be impeded by the parklet. If decking is being constructed, the decking platform

should allow for easy access underneath ~~the platform~~ and curbside drainage ~~shall~~may not be impeded. A gap of 6" should be maintained between the body of the deck and the ~~curb~~asphalt to facilitate the movement of water.

7. ADA REQUIREMENTS

All elements of Parklets shall be constructed and/or installed to conform to the applicable provisions, rules, regulations, and guidelines of the Americans with Disabilities Act (ADA).

8. DESIGN FOR EASY REMOVAL

Parklets are temporary in nature and must be designed for easy removal. All removable furniture must be locked or stowed each night.

9. PARKLET DECKING

Parklet decking must be flush with the curb and may not have more than ½" gap from the curb. If decking is installed, a minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets. Platforms shall not exceed a 2% cross slope. Decking will need to be constructed of durable material capable of withstanding weather elements. Deck installation shall not damage the sidewalk, street, curb, or any aspect of the public right-of-way. Due to the temporary nature of the parklet, any proposed decking shall not be allowed to be bolted into the asphalt.

10. EDGING

All proposed edging shall be visually permeable. Due to the temporary nature of the parklets, all edging or railing shall not be bolted to the asphalt. Therefore, any edging or railing will need to be removed each day so as not to blow away or fall when the parklet is not in use. The temporary railing shall be durable enough to stand on its own and should have a sturdy base.~~All rails must be capable of withstanding a 200-lb horizontal force.~~

~~11. MATERIALS~~

~~Materials should be high quality, durable, waterproof, and capable of withstanding heavy use and exposure to the elements. Loose particles such as sand or loose stone are not permitted within the parklet area. All furniture must be designed for outdoor use.~~

~~12-11.~~ VISUAL DESIGN

Parklet designs must maintain a visual connection to the street and not obstruct sight lines to existing businesses or roadway signage. While not visible from the sidewalk, the parklet's back is highly visible from across the street. Large blank walls, therefore, are discouraged.

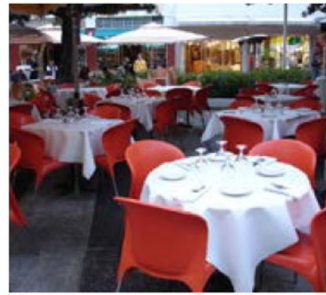
12. MATERIALS

Materials should be high quality, durable, waterproof, and capable of withstanding heavy use and exposure to the elements. Loose particles such as sand or loose stone are not permitted within the parklet area. All furniture must be designed for outdoor use. The following images outline allowed material and furniture types. Sofas as parklet furniture is prohibited.

MATERIALS

~~Tables, chairs, and outdoor appurtenances must be durable, waterproof, and able to withstand weather elements. All sidewalk café furniture and appurtenances must be maintained to the standards of the original permit for the duration and life of the sidewalk café. The following images outline allowed and prohibited material and furniture types:~~

Allowed materials: metals, sturdy plastic chairs, wood, sturdy recycled materials~~metals, finished grade wood, sturdy recycled materials~~



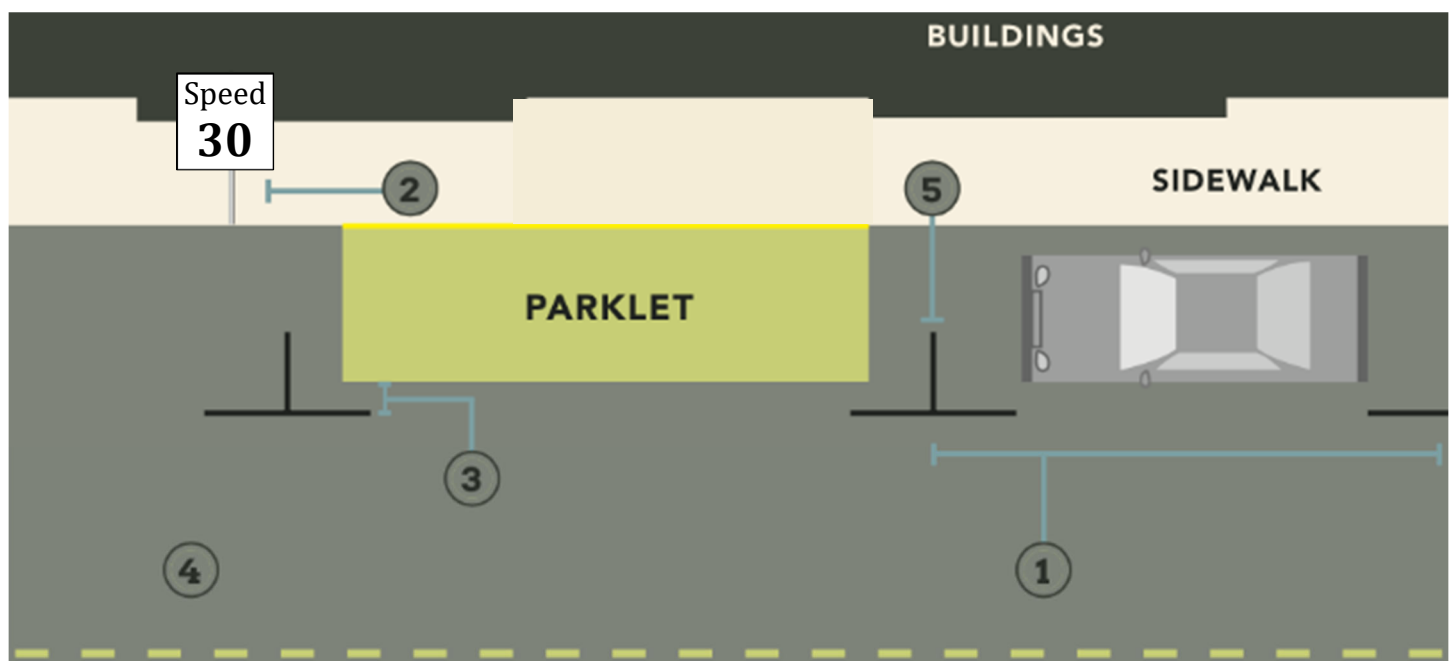
Prohibited materials: breakable plastics, unfurnished lumber, turf, sofas



DESIGN, cont.

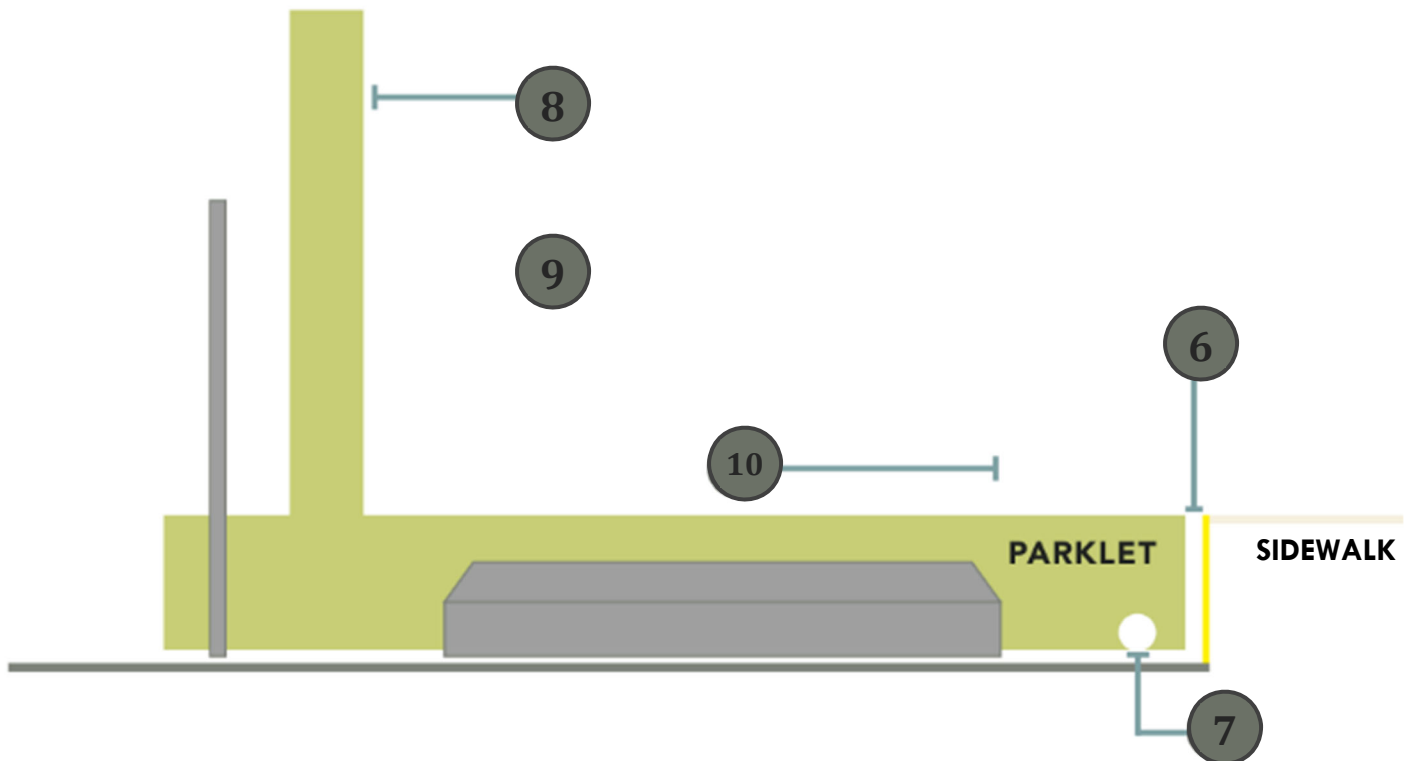
PLACEMENT GUIDELINES

Diagram of design standards.



1. Located at least one parking stall from a corner (*If located at corner, parklet must be protected by a bollard, sidewalk bulb-out, or other similar feature*).
2. In an area with a posted speed limit of 30mph or slower.
3. Minimum of 2 feet from the nearest edge of traveled way.
4. Street has a grade of no greater than 5%.
5. Buffer to protect users from street traffic. ~~Must have reflective tape, soft hit posts, wheel stops, and additional edging such as large planters to provide safety buffer.~~

DESIGN, cont.



6. If decking is installed, Parklet decking must be flush with the curb and may not have more than $\frac{1}{2}$ " gap from the curb. If this is impossible, the parklet must be ADA accessible. A minimum 36" ADA accessible entryway to the parklet must be maintained for all parklets.
7. The platform should allow for easy access underneath the platform and curbside drainage may not be impeded. A gap of 6" should be maintained between the body of the deck and the curb-asphalt to facilitate the movement of water.
8. All edging shall be visually permeable.
9. The temporary railing shall be durable enough to stand on its own and should have a sturdy base.~~All rails must be capable of withstanding a 200 lb horizontal force.~~

RESPONSIBILITIES OF PERMIT HOLDERS

Parklets permit holders are responsible for the following. Additional requirements and further details can be found in Ordinance ~~2020-xx~~2015-01.

- ~~Keep parklet free and open to all members of the public.~~
- Keep parklet well maintained and in good repair with daily cleaning.
- Keep parklet free of debris, grime, and graffiti.
- Water and maintain all parklet vegetation.
- Provide pest control as needed.
- No ~~table service or~~ alcohol is allowed in the parklet.
- No smoking is allowed in the parklet.
- Amplified music is prohibited in the parklets.
- The City will provide each parklet with signage advertising the sponsoring business in order to be placed in the parklet. No advertising signage is allowed in or on the parklet. The parklet may include informational signs unless approved by ... (businesses may include informational signs such as "no smoking" or "no alcoholic beverages").
- ~~Provide trash and recycling receptacles~~ Permit holders are responsible for all maintenance within the sidewalk café.
- ~~The permit holder is responsible for ensuring all activities on the sidewalk stay within the approved area.~~
- If food service is proposed within the parklet:
 - The kitchen facilities must be a permitted Food Service Establishment in good standing.
 - ~~Food~~ Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or parklet.
 - Non-disposable dishes, silverware, and linens must be used to prevent items from blowing off tables.
 - Cooking appurtenances are prohibited within the parklet.
- ~~Must use non-disposable dishes, silverware, and linens to prevent items from blowing off tables.~~
- ~~Sidewalk café must be free of debris, grime, and graffiti.~~
- ~~Planter boxes within sidewalk cafés must be watered and maintained.~~
- ~~Sidewalk café must contain~~ Any proposed removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly according to City standards and best methods. Bolting of fence/barrier is allowed with City approval.
- ~~The permit holder must provide for at least one trash receptacle~~ and one recycle bin that is emptied during the day and every night.
- ~~No smoking in the sidewalk café.~~

TRASH & RECYCLING REQUIREMENTS

~~The permit holder is required to provide pre-approved~~ trash and recycling receptacles sufficient for the proposed use and is subject to the following requirements:

- Food service establishments must provide both receptacles which shall be no smaller than 10 gallons.

- Retail or other non-food service establishments must provide both receptacles, however a minimum size is not required.
- Receptacles must be emptied by the permit holder at any time they are visibly full.
- All waste and recycling generated within the parklet is the responsibility of the permit holder. This includes items that are blown from the parklet.
- Bin covers are encouraged.
- Black trash and blue recycling receptacles are encouraged.
- in accordance with recommended City standards. ~~Scheduled pick-up of receptacles will need to be contracted through the City.~~ Receptacles are encouraged to be designed creatively considering the design meets the following guidelines:
- Receptacles must be no larger than 18 gallons.
- Trash receptacles shall be black in color; recycle receptacles shall be blue in color.
- Shall be constructed of durable, waterproof materials.
- Shall include a cover.
- If the permit older does not currently have access to recycling facilities, the permit holder will need to work with city staff to find an accessible recycling facility.



Ex: appropriate color scheme



Ex: creative design



Ex: covered enclosure

ADDITIONAL RESOURCES

For additional information on parklet origins, design, and inspiration from other cities, please view the San Francisco Parklet Manual V.2, <http://pavementtoparks.sfplanning.org/parklets.html>.

DESIGN REQUIREMENTS

Sidewalk cafés must meet the following design requirements. Additional requirements and further details can be found in *Ordinance 2015-01*.

- ~~Must be associated with a restaurant with kitchen facilities for the preparation of the food to be sold, the primary business of which is the on-premises sale of prepared food.~~
- ~~The kitchen facilities must be a permitted Food Service Establishment in good standing.~~

- ~~Must be located on a sidewalk abutting and within the span of the façade of the restaurant.~~
- ~~Must not interfere with visibility for drivers at street corners.~~
- ~~Must be open to the air.~~
- ~~Must contain removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly.~~
- ~~Chairs, tables, and outdoor appurtenances must be durable, waterproof, and built to maintain weather.~~
- ~~Must have a minimum of 6 feet clearance along sidewalk.~~
- ~~Amplified music is prohibited in Sidewalk Cafés.~~
- ~~Cooking appurtenances are prohibited within the sidewalk café.~~
- ~~Propane heaters are allowed on a case-by-case basis subject to Fire Marshal approval.~~
- ~~All elements of Sidewalk Cafés shall be constructed and/or installed to conform to the applicable provisions, rules, regulations, and guidelines of the Americans with Disabilities Act (ADA).~~
- ~~Any proposed signage must comply with Sign Ordinance. Advertising on umbrellas sidewalk cafés is prohibited.~~

RESPONSIBILITIES OF PERMIT HOLDERS

Sidewalk cafés must meet the following requirements. Additional requirements and further details can be found in *Ordinance 2015-01*.

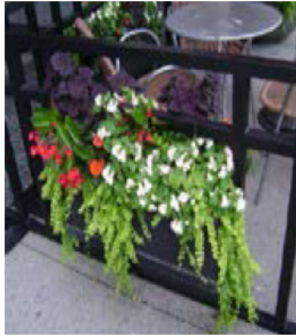
- ~~Permit holders are responsible for all maintenance within the sidewalk café.~~
- ~~The permit holder is responsible for ensuring all activities on the sidewalk stay within the approved area.~~
- ~~Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk.~~
- ~~Must use non-disposable dishes, silverware, and linens to prevent items from blowing off tables.~~
- ~~Sidewalk café must be free of debris, grime, and graffiti.~~
- ~~Planter boxes within sidewalk cafés must be watered and maintained.~~
- ~~Sidewalk café must contain removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly according to City standards and best methods. Bolting of fence/barrier is allowed with City approval.~~
- ~~The permit holder must provide for at least one trash receptacle that is emptied during the day and every night.~~
- ~~No smoking in the sidewalk café.~~

BARRIERS

If fences, planter boxes, or other barriers features are proposed surrounding the sidewalk café, ensure that they do not cause damage to the sidewalk and are constructed and artfully designed. Barriers help define the sidewalk café area while also maintaining transparency and aesthetic design.

- ~~Fencing must not exceed 42" in height.~~
- ~~Fencing must be generally transparent. Solid sheet fencing surfaces are not permitted.~~
- ~~Fencing must be constructed of high-quality finish materials. Fencing should be constructed with a railing, rope, or other horizontal element; posts with pointed tops are not permitted.~~
- ~~Landscaped planters may be used as a fencing device.~~
- ~~Stand-alone fencing mechanisms must have a flat base. Rounded fence bases are prohibited.~~
- ~~All fencing required for the purposes of on-premise consumption of alcohol will require TABC approval.~~
- ~~All sidewalk café barriers and appurtenances must be maintained to the standards of the original permit for the duration and life of the sidewalk café.~~

Allowed barriers: planter boxes, movable pots, rod iron, flat footing



Prohibited barriers: chain link, unstable sectional fencing, waste receptacles, rounded barriers, cables.



MATERIALS & FURNITURE

Tables, chairs, and outdoor appurtenances must be durable, waterproof, and able to withstand weather elements. All sidewalk café furniture and appurtenances must be maintained to the standards of the original permit for the duration and life of the sidewalk café. The following images outline allowed and prohibited material and furniture types:

Allowed materials: metals, finished grade wood, sturdy recycled materials



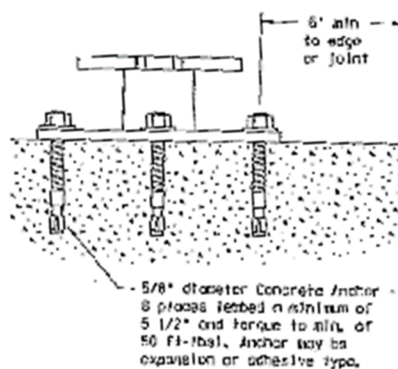
Prohibited materials: breakable plastics, unfurnished lumber, turf, sofas



INSTALLATION / REMOVAL

- Core drilling or setting of posts for sidewalk café fencing or additional apparatuses is prohibited.
- Bolting or stand-alone bases are permitted.
- Bolting must be **no greater than 2 inches in length and accompanied by an epoxy.**
- All bolts, bolting methods, and proposed layout of bolting location must be pre-approved by the City.
- If bolting of fencing is proposed, removal method will need to be submitted to the City for approval.
- If bolting is proposed, a surety bond will need to be submitted to the City for the estimated cost of removal in accordance with Ordinance 2015-01.
- Any bolting or damages to the sidewalk will need to be remediated. Sidewalk will need to be brought to original conditions.
- The below standard detail outlines City specifications

CONCRETE ANCHOR

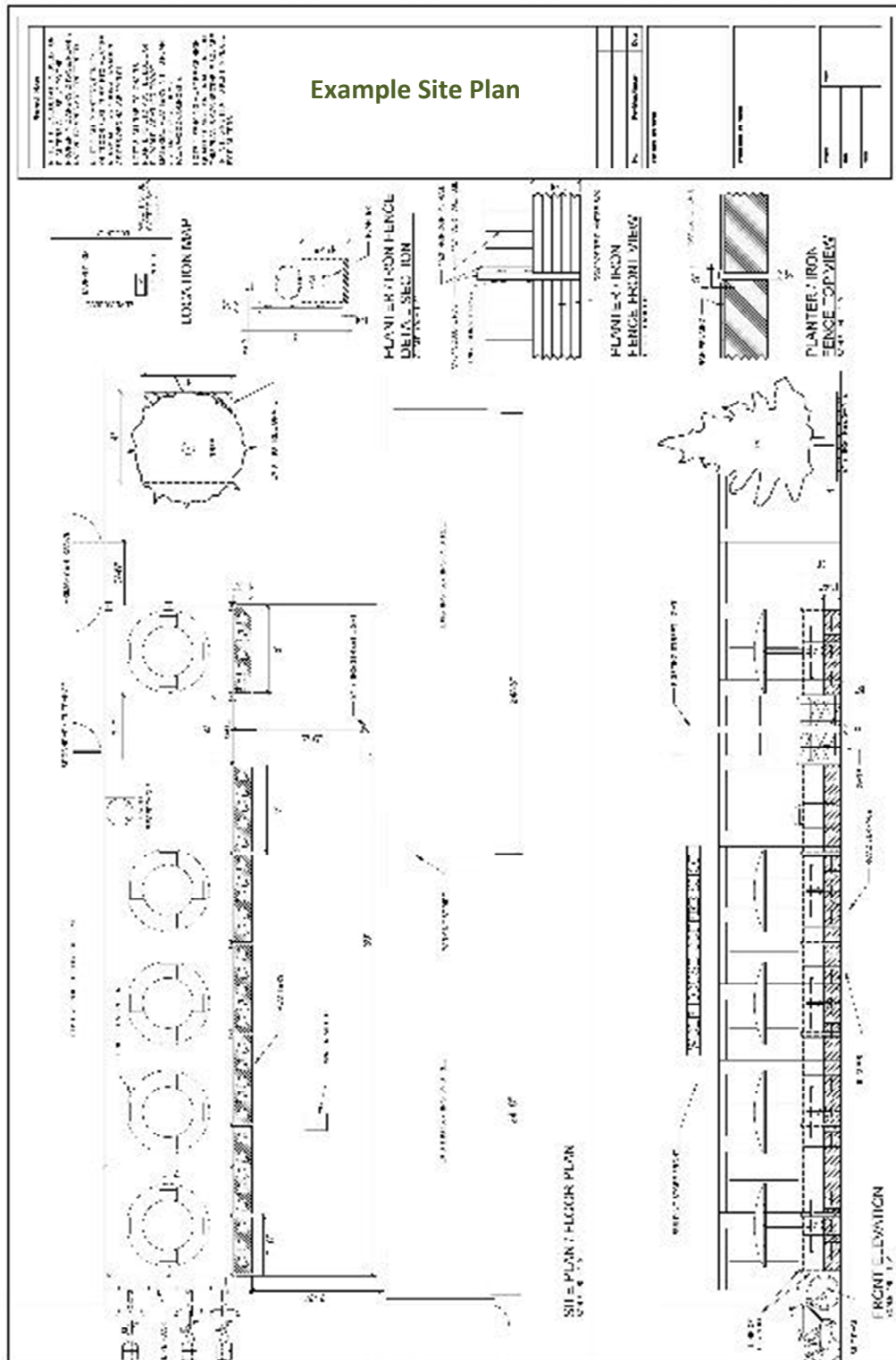


Concrete anchor consists of 5/8" diameter stud bolt with UNC series bolt threads on the upper end, Heavy hex nut per ASTM A563, and hardened washer per ASTM F436. The stud bolt shall have a minimum yield and ultimate tensile strength of 50 and 75 KSI, respectively. Nuts, bolts and washers shall be galvanized per Item 445, "Galvanizing." Adhesive type anchors shall have stud bolts installed with Type III epoxy per AWS-6100, "Epoxyes and Adhesives." Adhesive anchors may be loaded after adequate epoxy cure time per the manufacturer's recommendations. Top of bolt shall extend at least flush with top of the nut when installed. The anchor, when installed in 4000 psi normal weight concrete with a 5 1/2" minimum embedment, shall have a minimum allowable tension and shear of 3900 and 3100 psi, respectively.

SITE PLAN

Your sidewalk café site plan should include the following:

1. Location of entrances and exits to the business hosting the sidewalk café.
2. Location and number of tables, chairs, seating area.
3. Location of any proposed curbside fencing (required if serving alcohol).
4. Location of fire hydrants, trees, utilities, above ground fixtures, doorways, and any obstructions.
5. Dimensions of the Host's building frontage.
6. Notations of Americans with Disabilities Act (ADA) — compliant seating area.
7. Indicate how sidewalk café will be separated from pedestrian walkway.
8. Indicate detailed specifications and layout of any proposed bolting of barriers/fencing to sidewalk.



TEMPORARY PARKLET APPLICATION FORM

Updated: May, 2020 – August, 2020



CONTACT INFORMATION

Applicant's Name		Business Name	
Applicant's Phone #		Business Address	
Applicant's Email		Business Phone #	

SIDEWALK CAFÉ INFORMATION

Proposed Sidewalk Café Address: _____

Nearest Intersection: _____ Number of Parking Spaces: _____

Total size of proposed Sidewalk Café: _____ Number of tables and chairs proposed: _____

Estimated Project Cost: \$ _____ Hours/Days of Operation: _____

Food Service Permit Number issued by Environmental Health Department: _____

Conditional Use Permit Number issued by Planning & Development Services: _____

☐ I understand that **no alcoholic beverages** are permitted within the temporary parklet.

Type of business if not restaurant / bar: _____

☐ I have read and understand the *City of San Marcos Temporary Parklet Manual*, and *Ordinance 2020-XX* which covers responsibilities, design guidelines, and technical requirements.

☐ I understand that this permit will expire and the temporary parklet must be removed on or before **August 15, 2020**.

DESIGNER / CONTRACTOR INFORMATION

(If Known):

Designer/Contractor Name: _____ Firm: _____

Phone: _____ Email: _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

App Fee: \$0

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

EMAIL APPLICATION TO – PLANNINGINFO@SANMARCOSTX.GOV



CHECKLIST FOR TEMPORARY PARKLET APPLICATION

The following items are requested for consideration of this application. These and additional items may be required at the request of the Department		Comments
<input type="checkbox"/>	Pre-application meeting with staff is required – email planninginfo@sanmarcostx.gov to schedule	
<input type="checkbox"/>	Completed Application for Temporary Parklet	
<input type="checkbox"/>	Site Plan: A map, survey, drawing, aerial photograph, site plan or similar information showing the footprint/outline of the proposed parklet, including dimensions of parklet, property lines, existing sidewalk width, existing parking stalls/alignment and all existing sidewalk furniture and obstructions; e.g. fire hydrants, utility poles, street trees, etc.	
<input type="checkbox"/>	Additional Design: A description of type(s) of elements proposed to be placed in the parklet; e.g. tables, chairs, benches, planters/landscaping, bicycle parking, etc.	
<input type="checkbox"/>	Safety Measures: A detailed description of safety elements that will be installed adjacent to travel lanes and open parking spaces	
<input type="checkbox"/>	Completed License and Maintenance Agreement (provided by staff)	
<input type="checkbox"/>	Proof of Insurance	
**San Marcos Development Code Section 2.3.1.1(C): “Every application accepted by the responsible official for filing shall be subject to a determination of completeness...the responsible official is not required to review an application unless it is complete...”		



Legislation Text

File #: ID#20-247, **Version:** 1

AGENDA CAPTION:

Executive Session in accordance with the following Government Code Sections:

- A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for public use
- B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding acquisition of property in Downtown San Marcos for public use

Meeting date: 5/5/2020

Department: City Clerk's Office on behalf of the City Council

Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Goal: [Please select goal from dropdown menu below]

[Choose an item.](#)

[Choose an item.](#)

[Choose an item.](#)

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - [Choose an item.](#)
- ☐ Environment & Resource Protection - [Choose an item.](#)
- ☐ Land Use - [Choose an item.](#)
- ☐ Neighborhoods & Housing - [Choose an item.](#)
- ☐ Parks, Public Spaces & Facilities - [Choose an item.](#)
- ☐ Transportation - [Choose an item.](#)

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.



Legislation Text

File #: ID#20-248, **Version:** 1

AGENDA CAPTION:

Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

- A. Section § 551.072 - Real Property: to receive a staff briefing and deliberation regarding acquisition of property in Downtown San Marcos for public use
- B. Section §551.071 - Consultation with Attorney regarding: Legal considerations regarding acquisition of property in Downtown San Marcos for public use

Meeting date: 5/5/2020

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Amount & Source of Funding

Funds Required: [Click or tap here to enter text.](#)

Account Number: [Click or tap here to enter text.](#)

Funds Available: [Click or tap here to enter text.](#)

Account Name: [Click or tap here to enter text.](#)

Fiscal Note:

Prior Council Action: [Click or tap here to enter text.](#)

City Council Goal: [Please select goal from dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

- ☐ Transportation - Choose an item.
- ☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.